

**DES MOINES COUNTY, IOWA  
ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 27, 2021**

The Des Moines County Zoning Commission met in regular session on October 27, 2021 at 5:30 P.M. in the basement conference room at the SEIRPC office at 211 N. Gear Ave, West Burlington, Iowa.

**1. Call to Order**

Chairman Ryan Nagrocki called the meeting to order at approximately 5:33 P.M.

**2. Roll Call**

An option for remote attendance (via Zoom) was offered, but all members attended the meeting in person.

Commission members present:   Ron Breuer                         Dick Keith  
  Jesse Caston                     Ryan Nagrocki  
  Russ Fry

Commission members absent:   none

Staff Present:                         Zach James and Jarred Lassiter, SEIRPC

Public Present:                        none

**3. Changes to Tentative Agenda**

None

**4. Approval of the Minutes for May 26, 2021**

**Motion #1:**        To approve the Minutes of the May 26, 2021 meeting.  
**Motion by:**        Fry  
**Seconded by:**    Keith  
**Vote:**             Unanimous vote. Motion carried.

**5. New Business**

**A.     Public Hearing: Replacement versions of Des Moines County Subdivision Ordinance (Ordinance #29) and Des Moines County Zoning Ordinance (Ordinance #34)**

**Motion #2:**        To open the Public Hearing.  
**Motion by:**        Fry  
**Seconded by:**    Keith  
**Vote:**             Unanimous vote. Motion carried.

Chairman Nagrocki opened the public hearing at approximately 5:35 PM.

Mr. James stated that the drafts of the revised Zoning and Subdivision Ordinances have been reviewed by the County Attorney and the next step will be to have the Zoning Commission recommend approval of the ordinances to the Board of Supervisors. He noted that since the newspaper notice was published for the hearing, no comments had been received. He invited Commission members to offer any questions or comments they may have on the draft ordinances, including any suggested changes to the text.

Mr. Lassiter began reading through a list of changes being made to each of the ordinances, summarizing the general trends and drawing attention to the most impactful changes being proposed.

Mr. Keith strongly objected to the use of a maximum length requirement for private roadways with a dead-end (cul-de-sacs). He said that he personally identified numerous examples of subdivisions in different parts of the county, where both public and private roadways have a cul-de-sac length much longer than 1,000 feet. Mr. Lassiter said that the revised ordinance offers greater flexibility than previously, as the ordinance originally did not provide any criteria for evaluating when this requirement should be waived. He said that with such criteria present (such as topographical conditions), this gives developers alternatives that can accommodate lengthier cul-de-sacs (such as the use of hammerhead turnarounds). Furthermore, Mr. James noted that this change will improve the decision-making process for the Board of Supervisors, since previous waivers for cul-de-sac length were made based on arbitrary judgment, rather than a set of defined criteria included in the ordinance. Mr. Keith responded by noting that due to the rugged topography of Des Moines County, waivers will become so common that it makes no sense to even have a minimum standard to begin with.

Mr. Fry said that while he is mindful to avoid the use of arbitrary requirements that aren't compatible with the conditions of Des Moines County, he is also concerned about the prospect of removing a requirement whose purpose relates to protecting public safety. Mr. Keith expressed his frustration that the (Burlington) Fire Department has been trying to impose stricter standards on rural areas within its jurisdiction, particularly since this relates to the use of much larger fire engines, whose dimensions aren't suited for rural areas that were previously served by smaller vehicles. He said that as long as roadways and driveways are able to serve ambulances (to save people), property owners shouldn't be forced to spend extra money on road accommodations for pumper trucks (to save property/possessions).

Chairman Nagrocki agreed with Mr. Keith's objection to an arbitrary length requirement for roadways, but noted that he was amenable to the option of requiring the periodic use of turnarounds, in instances where the length exceeds 1,000 feet. Mr. Keith said he was open to such an option, but opposed to having an arbitrary distance threshold between each turnaround. Mr. Caston said that such a regulation would be impossible to enforce if there wasn't a baseline distance to use. Chairman Nagrocki suggested increasing the minimum length between turnarounds from 1,000 to 2,500 feet, and the other Commission members agreed with this alternative.

Mr. Keith further suggested that the option of turnarounds should only be offered if the turnaround doubled as a driveway entrance. He argued that if standalone hammerheads or circular turnarounds were required, the subdivision residents would just let the extra road surface become overgrown with vegetation as the years went by, removing any benefit they were designed to offer to Fire Department personnel. Mr. Lassiter agreed that long-term enforcement of surfacing standards is a problem, and pointed to a recent example where a gravel turnout for passing vehicles had been obscured by grass over a 20-year period. Staff ultimately agreed to remove the option of 'mid-block bulbs', and emphasize that hammerhead turnarounds should be coordinated to double as driveways.

Mr. Keith objected to the outright prohibition of using wells for on-site water service, in any instance where municipal or rural water service is 'readily available'. He noted that he personally uses a well on his property, and many people would prefer this option. He said that it should be up to the County Health Department whether a well should be allowed, rather than arbitrarily denying this option outright. Staff agreed to make this change.

Mr. Keith offered several suggestions for minor changes to the minimum requirements for infrastructure. First, he noted that the term 'galvanized steel' should replace the term 'metal' in the description of acceptable materials for storm sewer culvert pipes. He also said that the term 'Class III concrete' should be changed to simply 'concrete'. He also suggested that staff should confirm with the Secondary Roads Department that '6 gauge' is the same standard they use for steel culverts on public roadways. Separately, he suggested that the minimum longitudinal slope for a curb-and-gutter roadway should be changed from '1 percent' to '0.5 percent'. Staff agreed to make these changes.

Mr. Keith suggested that the fencing requirements in Article VI be altered, to change it so the minimum standard fence is one that meets the definition of a 'lawful fence', rather than one that meets the definition of a 'tight fence'. He said that since all 'tight fences' fall under the broader definition of a 'lawful fence', this should be a reasonable baseline standard on its own. Furthermore, he noted that requiring a tight fence could place an undue burden on a developer, since neighboring owners could insist on the use of a tight fence, even if there was no logical justification (such as the keeping of hogs or sheep). He referenced a recent example where someone insisted on a tight fence in order to prevent people from driving ATVs onto his land. He also said it was necessary to ensure that there be a 'perpetual agreement' between the neighboring owners on how the fence is to be maintained. Staff agreed to make these requested changes.

The discussion then moved on to the draft of the Zoning Ordinance. Mr. Keith said that the A-1 Agricultural District needs to have an accommodation made for subdivisions that split off an existing farmstead home from the surrounding farmland. He said that oftentimes these are sold or auctioned off with the lot being smaller than 2 acres (the minimum allowed in A-1), in order to conserve farmland on the other lot. Mr. Lassiter concurred that this was an oversight, as the existing exemption for 'any lot of record less than 2 acres in size, which existed prior to the adoption of this Ordinance' does not account for any lots created through a subdivision after the ordinance was adopted. Staff agreed to make the change to accommodate this phenomenon.

Mr. Keith then suggested that there should be a requirement that residential accessory buildings should have the same setback as the principal building on any given lot, so that such buildings could not be placed in the front yard. Mr. James noted that there have been several recent examples where someone built a garage that was at least 30 feet from the front lot line (as required by the ordinance), but closer to it than the house. After these were pointed out by Mr. James on the County GIS website, Mr. Keith argued that those would fall in the 'side yard' rather than the 'front yard'. After several other examples (on especially large lots) were presented, Chairman Nagrocki noted how the definition of a 'front yard' itself is hard to pin down in rural areas where the home is positioned on a large, spacious lot. Mr. Caston said he felt such a standard would be arbitrary and based on subjective judgment. The Commission members ultimately agreed to not add any such requirement to the ordinance.

Mr. Keith referenced the landscaping regulations for the "I-1" Industrial District, and said that the minimum width of the landscape buffer should be increased from 20 feet to 40 feet. He noted that 20 feet will not result in full visual obscurity of the industrial activity from nearby residences, and 40 feet will ensure that there is more than one row of trees in place to shield it from view. He said that if the minimum setback from a Residential district is 200 feet, it would be ineffective to use only 20 feet of that space for the tree buffer, while the remainder is just open grass. He further suggested that the ordinance specify that the buffer should be comprised of 1 row of shrubs and 2 rows of evergreen trees, and the minimum height at time of planting should be 6 feet. Mr. James said he felt that such regulations might be overly specific. Mr. Keith disagreed and said that 'overly specific' would constitute the naming of specific species of trees. No other Commission members saw any issue with such a change, so staff agreed to make that change.

Mr. Keith referred to Division 70 ('Mobile/Manufactured Home Parks'), and said that he thought the minimum lot size for a mobile home park (10,000 SF per dwelling) seemed excessively high. He noted a similar observation for Division 75 ('Recreational Vehicle Parks/Campgrounds'). He said that if such a calculation was derived using the land area of the Green Acres Mobile Home Park on DMC Highway 99, then the 'total land area' used for the calculation should not include the private home and business at the front of the property, or the sewer lagoon at the rear, since such lagoons are no longer allowed for new parks. Mr. James said that the figure of 10,000 was chosen, rather than 7,000 or 8,000, to ensure that sufficient green space is allotted to the residents - not just between the individual home sites, but in the outer perimeter of the property. He further stated that existing mobile home parks in the County should not be the sole basis for where such figures are derived, as many older parks such as Green Acres would ideally have included more of a green space buffer around the periphery of the home sites. With regard to recreational vehicle parks, Mr. Keith referenced the campground at Big Hollow Recreation Area. Mr. Lassiter noted that this was a public campground, and the figure of 5,000 SF per camping pad was derived using the Crossroads RV Park in Mount Pleasant as an example. Mr. Caston agreed that Crossroads would be a preferable standard to use. The Commission members ultimately agreed to leave the minimum lot size standards as is, for both mobile home parks and RV parks/campgrounds.

Chairman Nagrocki asked staff about the status of possible regulations for solar infrastructure. Mr. Lassiter noted that a previous draft of the Zoning Ordinance had included regulations for large-scale wind and solar farms, but staff had ultimately determined that only regulating these uses in the areas within 2 miles of Burlington would be problematic. He said that while ground-mounted solar panels were added to the Zoning Ordinance, this only applies to standalone panels that serve an individual property as an accessory use. Mr. James said that previous work sessions had been held with the Board of Supervisors and the County Engineer, and there had been a consensus that a countywide solar and/or wind energy ordinance would be a good idea for regulating large-scale solar and wind farms in the county. He said that action would likely proceed on such ordinances in 2022, with an emphasis on regulating the impact of construction on local roadways, and the decommissioning of infrastructure at the end of its useful life. Chairman Nagrocki asked if this could include minimum setbacks from residences, noting that he has heard about the possibility of a future solar farm close to his own residence. Mr. Lassiter said that something basic like 'no less than 1,000 feet from a dwelling' would be a possibility, but anything else that has the ability to regulate the location choices of a wind or

solar provider could be perceived as a form of zoning, which could present legal consequences for the county since most of the unincorporated county is not zoned.

**Motion #3:** To close the public hearing.  
**Motion by:** Caston  
**Seconded by:** Breuer  
**Vote:** Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 7:21 P.M.

**Motion #4:** To recommend approval of the replacement versions of the Des Moines County Subdivision Ordinance (Ordinance #29) and Des Moines County Zoning Ordinance (Ordinance #34), with each of the following identified changes that had been discussed and agreed upon during the Public Hearing:

- **Subdivision Ordinance – Article VI, Section D(5):** Remove the first sentence which imposes a maximum cul-de-sac length, and also remove sub-item ‘a’ pertaining to exceptions that would be allowed for this minimum length.
- **Subdivision Ordinance – Article VI, Section D(5):** Change the first sub-item to read as follows: “In any instance where the length of roadway centerline between the outer edge of a cul-de-sac and the nearest intersecting roadway exceeds two-thousand five-hundred (2,500) feet, hammerhead turnarounds shall be provided for emergency vehicles, at a rate of one (1) for every two-thousand five-hundred (2,500) feet beyond the nearest intersecting roadway.”
- **Subdivision Ordinance – Article VI, Section D(5):** Remove all references to ‘mid-block bulb’, including the graphic illustration; add a sub-item that reads as follows: “Whenever possible, hammerhead turnarounds should be placed to coincide with driveway entrances, but all such turnarounds shall comply with the minimum surfacing requirements in Section D(3) of this Article.”
- **Subdivision Ordinance – Article VI, Section D(6)(b):** Replace “one (1) percent” with “one-half (0.5) percent”.
- **Subdivision Ordinance – Article VI, Section G(1)(b):** Replace “corrugated metal, galvanized steel” with ‘corrugated galvanized steel’, and replace “Class III concrete” with “concrete”.
- **Subdivision Ordinance – Article VI, Section G(3)(c):** Replace the existing text for ‘Private Wells’ with the following: “The requirement for use of a municipal or rural system may be waived, in the event that the County Health Department permits the use of a private well for one (1) or more individual lots.”
- **Subdivision Ordinance – Article VI, Section J:** Change each instance of the term ‘tight fence’ to ‘lawful fence’; remove sub-item ‘2(a)’ referring to ‘lawful fences’ as an alternative to a ‘tight fence’
- **Subdivision Ordinance – Article VI, Section J(1):** Remove the phrase ‘to prevent the incursion of livestock’ in the first sentence, and add sub-item ‘a’ to state as follows: “In instances where hogs, sheep and/or goats are kept on a neighboring property at the time the subdivision is platted, the fence shall meet the minimum standards of a ‘tight fence’, as defined in Chapter 359A of *Iowa Code*.”
- **Subdivision Ordinance – Article VI, Section J(2):** Under sub-item ‘a’, add the following sentence at the end: “Written documentation shall specify how responsibility for the future maintenance of the fence will be delegated.”
- **Zoning Ordinance – Division 20, Section H(2)(b):** Change to read as follows: “For any lot of record of less than two (2) acres in size, which existed prior to the adoption of this Ordinance, or any new lot created to split an existing farmstead from the surrounding farmland, dwellings shall comply with the bulk regulations of the “R-1” District.”
- **Zoning Ordinance – Division 45, Section F(2)(a):** change to read as follows: “Whenever required, a landscape buffer shall consist of a vegetative screen comprised of shrubs and evergreen trees, which when fully grown result in a solid visual barrier of no less than forty (40) feet in width and height, with the width represented by one (1) row of shrubs and two (2) rows of trees. When initially planted, said trees shall be no less than six (6) feet in height.

**Motion by:** Fry  
**Seconded by:** Keith  
**Vote:** Unanimous vote. Motion carried.

Mr. James complimented Mr. Lassiter on many hours of work spent on revising these two ordinances over the past 2 years. Mr. Keith noted that, in spite of the handful of issues he had previously identified, he feels that the revised ordinances are 'much, much better' than what the County has been working with up until now.

**6. Old Business**

Mr. Lassiter noted that a Final Plat had not yet been submitted for the subdivision that had been discussed at the previous meeting on May 26, 2021 (Twin Oaks Country Estates). Mr. James stated that road engineering plans had not yet been submitted, although he expected they'd be coming soon, given that the developer had been actively marketing the lots on social media. Chairman Nagrocki noted that he'd had a recent conversation with the developer (Kyle Reid), and Mr. Reid had said he was considering changing the road surfacing from paved to gravel, in accordance with prospective buyers' preferences and the higher cost of a paved surface. Mr. James noted that a gravel surface would still be compliant with the Subdivision Ordinance, so long as the dimensions and grade comply with the Ordinance's requirements.

**7. Public Input**

None

**8. Future Agenda Items**

None

**9. Adjournment**

**Motion #5:** To adjourn  
**Motion by:** Keith  
**Seconded by:** Caston  
**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 7:27 P.M.

**APPROVED:** Ronald Brewer  
Ryan Nagrocki, Chairman  
Ronald Brewer Vice  
Chairman

**ATTEST:** Zach James  
Zach James, Land Use Administrator