

**DES MOINES COUNTY, IOWA  
ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 26, 2024**

The Des Moines County Zoning Commission met in regular session on June 26, 2024, 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 Nagrocki called the meeting to order at approximately 5:33 P.M.

**2. Roll Call**

Those attending remotely via Zoom indicated by a \*.

Commission members present:           Jesse Caston\*                      Russ Fry  
  Dick Keith                              Ryan Nagrocki

Commission members absent:           Debra Carroll-Jones

Staff Present:                                Zach James and Jarred Lassiter, SEIRPC

Public Present :                             Amy Laue, subdivision applicant, MAS-24-11\*

**3. Changes to Tentative Agenda**

None

**4. Approval of the Minutes for March 25, 2024**

**Motion #1:**        To approve the Minutes of the March 25, 2024 meeting.  
**Motion by:**        Fry  
**Seconded by:**    Keith  
**Vote:**              Unanimous vote. Motion carried.

**5. New Business**

**A.        Public Hearing: Request for Final Plat approval, Fox Hollow Valley Subdivision (MAS-24-11)**

Chairman Nagrocki opened the public hearing at approximately 5:34 P.M.

Mr. Lassiter read the staff report for this subdivision, stating that it involves 4 buildable lots and one small lot at 0.42 acres that will be transferred to the neighboring owner to be combined with her lot. He noted that the current owners intend for these lots to be available for their own children and grandchildren, with Lot 4 to be occupied by their daughter and son-in-law. Lassiter indicated that the Final Plat had just been revised by the surveyor, in order to change the name of the 0.42-acre lot from 'Outlot A' to just 'Lot A', with a note added on the bottom of the plat to explain the planned transfer to the neighbor. He stated that after a recent discussion with City and County staff, he came to the conclusion that the term 'outlot' was not appropriate in this instance, as it is typically used in the context of land that is set aside for future improvements (i.e. roads, utilities and landscaping).

Lassiter noted that the Commission had recommended approval of the Preliminary Plat for this subdivision at its March 25, 2024, meeting, with the condition that the Final Plat must include access easements for any lots that will share the same entrance from Irish Ridge Road. He noted that the Final Plat includes two separate easements, one that could be shared by Lots 1 and 2, and one that could be shared between Lot 4 and either Lot 2 and/or Lot 3. He said that because Lots 1, 2 and 3 are not likely to be developed for at least 5 or 10 years, the landowner hasn't decided exactly what the access arrangement would eventually look like. Therefore, having the two easements in place will allow for some flexibility in how the future owners of Lots 2 and 3 will access their property.

Mr. Keith mentioned how Lot 4 had been platted as a 'flag lot' with a stem of only 33 feet in width. He said that this would not leave sufficient room for ditches, since the roadway surface has been established at 25 feet within the 33-foot flag lot stem. He emphasized that the land in this area is exceptionally flat, and it would make sense if the owners eventually decided that they needed ditches to control drainage.

Keith asked the Land Use staff to confirm whether the Subdivision Ordinance has a requirement for the minimum right-of-way width of roadways serving multiple homes. He said he recalled this being discussed when the ordinances were last updated in 2022. Mr. James said that this sounds like a combination of two separate requirements from the ordinance – 1) that a 'driveway' serving more than 2 lots must have the same surfacing standards as a 'roadway' (width, surfacing materials, and shoulders), and 2) that the minimum width of a flag lot stem is 33 feet when all of the surrounding land has already been subdivided, and 66 feet when additional adjoining land remains to be subdivided. Mr. Lassiter noted that there is no requirement that a driveway be given its own right-of-way (reserved as untaxed land) if it serves more than 2 lots. Rather, it just needs to have the same minimum width and surfacing standards as a roadway, whether it's on private land or set aside as right-of-way.

Mr. Keith suggested that staff consider an amendment to the ordinance in order to require a greater stem width. He said it didn't need to be a full 66 feet, but it could be something in the middle like 40 or 50 feet, in order to ensure that there is enough room for ditches.

Ms. Laue stated that the land on Lots 2 and 3 is still used as farmland, and as long as it continues to be used that way, there should be no need for ditches to be added along the driveway. She also emphasized how Lot 3 is likely to never be developed for a separate house on its own – rather, it will probably remain under the same ownership as the neighboring Lot 4 (her daughter and son-in-law). Mr. Lassiter noted how the Laues' decided to create 4 lots (as opposed to 2 or 3) was in order to prevent the need for any future surveys, if another relative ever decided to build a home on part of their current property.

Mr. Keith noted that he saw no issue in recommending approval of the Fox Hollow Valley plat right now – rather, he was simply bringing up the topic as a potential future change to consider, based on his recollection of similar situations in the past. Mr. Fry referenced a hypothetical situation where the County had already adopted such a change, and asked whether it would apply to previously subdivided land or not. Keith confirmed that such a change would not be retroactive, and that previously subdivided lots would be 'grandfathered in' under the old rules.

Mr. Lassiter concluded the staff report by recommending that the Commission recommend approval of the plat with an added condition regarding the underground electric line that cuts through the bottom part of Lot 3 (to serve the existing home on Lot 4). He said that such a condition would help prevent any future buildings from accidentally encroaching on the electric line easement. With this condition in place, if a future owner filed for a Zoning Permit, the Land Use Administrator would be prompted to check on the status of the electric line before granting the permit. Ms. Laue said she was fine with this, but she reiterated that Lot 3 is likely to never be developed on its own, and this explains why she didn't initially care whether the line passed through a portion of that lot.

**Motion #2:** To close the public hearing.  
**Motion by:** Fry  
**Seconded by:** Keith  
**Vote:** Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 5:59 P.M.

**Motion #3:** To recommend approval of the Final Plat for Fox Hollow Valley Subdivision, with the following condition:

- Approval of a Zoning Permit for construction of any building(s) on Lot 3 shall be contingent on confirmation that either the building(s) will not encroach on the existing electric easement, or the electric line has been relocated.

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

Lassiter noted that since this Final Plat is in the 2-mile review jurisdiction of the City of Burlington, it is on the City Council agenda for formal approval on Monday, July 1. Then once such approval is obtained, it will be placed on an upcoming meeting agenda for the County Board of Supervisors, in which they will vote on final approval.

**B. Public Hearing: Staff Request for three text amendments to the Des Moines County Zoning and Subdivision Ordinances**

Chairman Nagrocki opened the public hearing at approximately 6:04 P.M.

Mr. Lassiter stated that staff is recommending two text amendments to the County Zoning Ordinance, and one text amendment to the Subdivision Ordinance. He said that two of these amendments involve errors that were overlooked when the ordinances were updated and re-adopted in 2022, while the other involves a substantive change that is intended to prevent the need for additional variance requests regarding a specific ordinance requirement.

Lassiter said that the required minimum setbacks for a principal building in the A-1 Agricultural District are 40 feet for the front and rear yards, and 25 feet for the side yards. Under a proposed amendment to the Zoning Ordinance, these would be changed to mirror those of the "R-1" Single and Two-Family Residential District, at 30 feet for the front and rear, and 15 feet for the sides. He explained that staff had encountered two separate instances in the past 5 years where a variance request was necessary in order to allow for the construction of a single-family home at its desired location within the A-1 District. He said that the first of these was the reason that the minimum setbacks were reduced when the ordinance was updated in 2022 (with the initial requirement being 60 feet for the front yard, 100 feet for the rear yard, and 30 feet for the side yards). However, the second was requested more recently, when a property owner wanted to build only 10 feet from the lot line.

Mr. Keith said he felt this building could have been considered to be an 'accessory building' rather than a 'principal building', since involved a combined shop/house, where the living space constituted a very small share of the total floor area. Furthermore, if the intention was to eventually build a permanent house elsewhere on the lot, then the shop would functionally be accessory to that house anyway. Mr. Lassiter said that because this would be the only dwelling on the property for at least several years, then it would have to follow the requirements for a principal building, since it would initially meet the definition of that term.

Lassiter stated that the building in question would have still required a variance if the setbacks for A-1 and R-1 had been the same. However, since this still represented the second time in 5 years where a variance was sought for residential setbacks in A-1, he felt it was appropriate to change the requirements in order to prevent additional variance requests from being necessary. Furthermore, he noted that the A-1 district would still discourage higher density development, since the minimum lot size and lot width will still be greater than R-1, and this would impact landowners during the subdivision stage, rather than when they come back and apply for a zoning permit later.

Lassiter next described the two proposed amendments that involved an error from the 2022 ordinance update. For the first of these, the term 'Board of Supervisors' was used by accident in Division 125, when it clearly meant to say, 'Board of Adjustment'. This concerned which board has the authority to review and decide on variances from the requirements of the zoning ordinance.

The final proposed amendment involved an obsolete passage in the Subdivision Ordinance, where it states that, "CSR provisions and the approval of the full Zoning Commission membership shall be waived for a Minor Subdivision Plat." Lassiter said that this referred to an old ordinance requirement that prohibited land with a Corn Suitability Rating (CSR) value from being subdivided for residential lots. He noted that this requirement was removed during the 2022 ordinance update at the insistence of the Board of Supervisors, who felt it was inappropriate to restrict private property rights in this way.

Mr. Keith said he recalled that the Iowa Farm Bureau had once required counties to adopt this policy, and that is why Des Moines County's ordinance included this provision in the first place. Mr. James said this may very well have been the case, but the current members of the Board of Supervisors felt very strongly against it, and no one from the Farm Bureau had complained when this change was made.

Mr. Lassiter said that the reference to CSR for Minor Subdivisions should have been removed at the same time as the overall CSR policy, but it was left in as a result of an oversight. The same thing was true for the reference to 'full Zoning Commission membership', since the ordinance originally required that the Commission Chair sign off on all Minor Subdivisions, as a substitute for the entire Commission reviewing these.

Mr. Keith said he didn't recall this change being made, and he thought that Chairman Nagrocki had continued to sign off on plats over the last two years. Mr. James said that staff continues to send copies of all Minor Subdivision plats to Nagrocki to review, and he is encouraged to provide any comments or concerns that he may have. However, since 2022, he has not been required to provide his signature, the same as the County Engineer, Auditor, or Health Department official.

Keith said he felt the proposed amendments all made logical sense, and the other members concurred.

**Motion #4:** To close the public hearing.  
**Motion by:** Keith  
**Seconded by:** Fry  
**Vote:** Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 6:18 P.M.

**Motion #5:** To recommend approval of the three amendments as proposed.  
**Motion by:** Keith  
**Seconded by:** Fry  
**Vote:** Unanimous vote. Motion carried.

**6. Old Business**

None

**7. Public Input**

None

**8. Future Agenda Items**

None

**9. Adjournment**

**Motion #6:** To adjourn  
**Motion by:** Fry  
**Seconded by:** Keith  
**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:23 P.M.

**APPROVED:** \_\_\_\_\_  
Ryan Nagrocki, Chairman

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