

MINUTES OF THE CLAYTON COUNTY
PLANNING AND ZONING COMMISSION MEETING
May 10, 2022

Members Present: Randy Vaske, Mike Tucker, Kari Friedlein, Mary Klink, Allan Troester, Rebecca Spielbauer, Elise Bergan, Bruce Kann, Dan Parker, Doug Reimer
Others Present: Patti Ruff, Dan Sage, David Meyer, Jason Rienger, Anne Osmundson, Aaron Hamann, Glenna and Forest Whitford, Dave and Julie Meyers, Robert Morrow, Zach Herrmann, and Tom Klingman

The following items were considered on the Agenda:

1. Call to Order

The Clayton County Planning and Zoning Commission meeting was called to order at 7:00pm by Chairperson Allan Troester.

2. Approval of the Agenda

The motion to approve the agenda was made by Elise Bergan, second by Dan Parker. All were in favor and motion carried.

3. Approval of Minutes from August 31, 2021.

There was a correction on the date from July to read August 31, 2021. Minutes were approved with Doug Reimer making the motion and Mary Klink second that motion.

4. Election of Chair and Vice Chair.

Mike Tucker made a motion to keep the officers the same with Allan Troester as Chair and Doug Puffet as Vice-Chair. Becky Spielbauer second the motion. Motion carried.

5. Application #2-2022 Rezoning from Agriculture to Mobile Home Park to allow 2 mobile homes located on Parcel #1025181006; Lot 6 of 1 of 2 in the Southeast Quarter of the Northwest Quarter in Section 25, Township 93, Range 5 West of the Fifth Principal Meridian, Clayton County, Iowa.

Robert Morrow explained how he had purchased this land from his father-law, Jim Meyer. He and his wife have a dream of moving out to the property located along Grape Road when they retire. They had hoped to move a mobile home to the property to live in.

Mr. Morrow stated he does not wish to rezone for a Mobile Home Park as there are only about 2 ½ acres flat enough to place a home on and the rest is timber which he uses as hunting ground. He would like an exemption to place his mobile home on the ground in addition to the mobile home that is currently there.

Mr. Hamann is a neighbor who spoke up in favor of an exception to Ag zoning rules and would be against a Mobile Home Park. Mr. Hamann would hate to see it rezoned and open it up to future use as a mobile home park.

Patti Ruff clarified the regulations pertaining to the allowance of a mobile home on ag ground as one is allowed but only in a hired hand/family living arrangement for a working farm. She stated she was not sure why the first mobile home was allowed to locate on this property back in 2005. She also voiced concerns over the septic. According to the map on file in the Health and Zoning Office, it shows the small house and the trailer both being hooked up to the septic and leach field. With the placement of the second mobile home. She feared it would overload the septic system.

According to Mr. Morrow, the house is going to be turned into a shed but is not tied into the septic. Patti said that she would be willing to go out and verify with the installer to make sure.

There was discussion on Special Exception to the Use and how it eliminates spot zoning throughout the county. Patti went through the procedure as the Commission could refer this request to the Board of Adjustment for the Special Exception to the Use. Becky S. made the motion to recommend this request to the Board of Adjustments for a Special Exception to the Use. Kari second the motion. Motion Carried. Date of the Board of Adjustment meeting will be determined for June.

6. Application #1-2022: Rezoning from Agriculture to Commercial for a campground located at 30195 Acre Road including: A parcel of land in the Northeast Quarter of the Northeast Quarter lying south of Bell Road in Section 18, Township 92 North, Range 6 West; a parcel of land in the Northwest Quarter of the Northwest Quarter lying south of Bell Road and lying north of Acre Road in Section 17, Township 92 North, Range 6 West; a parcel of land in the Northeast Quarter of the Northwest Quarter lying south of Bell Road (CH C2W Bell Road) and lying north of Acre Road (CH W61 Acre Road) in Section 17, Township 92 North, Range 6 West; a parcel of land in the Southeast Quarter of the Southwest Quarter lying south of Bell Road

in Section 8, Township 92 North, Range 6; a parcel of land in the Southwest Quarter of the Northwest Quarter, Section 17, Township 92 North, Range 6 West; a parcel of land in the Southeast Quarter of the Northwest Quarter, Section 17, Township 92 North, Range 6; a parcel of land in the Northwest Quarter of the Southwest Quarter, Section 17, Township 92 North, Range 6; a parcel of land in the Northeast Quarter of the Southwest Quarter, Section 17, Township 92 North, Range 6 West all of the 5th P.M. Clayton County, Iowa, totaling 258.55 acres.

Jason Wenger, engineer, with the Burrington Group gave a presentation on the campground proposal for Mr. Sage. Jason explained the proposal is in multi-phase stages with room for growth if was a success. The camp sites would be made up of both seasonal and weekend use. If the rezoning was approved, the DNR then would become involved with the NPDES #2 permit, the drilling of the public well, and with the wastewater system which would need to be installed. The county would issue the well and septic permit, but design and approval would come from the DNR.

Jason further described the design of the campground noting the initial entrance off of Acre Road and exit onto Bell Road, with future plans for entrance and check in off of Bell Road. South of the Acre Road would be more primitive, weekend type campsites. The dump station and wastewater system would be north of the current farmhouse with the well sitting north up by Bell Road. There would also be a covenants for use, noise, etc. The first phase would consist of 85-90 sites with the second phase mirroring the first. With the hope of succeeding another phase would be to turn the barn into a meeting/event site and build a shower facility and storm shelter.

That is the dream, ultimate plan for this property.

Public Comments:

Forest Whitford spoke first and had several questions. Why wasn't this meeting held 2 years ago before any dirt was moved? With the construction of 2 ponds and potential of a third, if those dikes would fail, would it cause flooding to the town of Volga? What happens with the CRP ground when rezoned commercial? What DNR or Army-Corp permits are needed? Does the bridge being used as a crossing need to be at a higher standard because of commercial zoning? If the bridge fails would you get people across the creek? Would zoning allow a private or large corporate entity to buy the campground or allow foreign investment to own or operate the site? Is TIF being used? What is the economic impact of the campground?

Forest does not see the need to go away from ag use. He also commented on the economic impact of a dairy farm being greater than what a campground would be.

Glenna Whitford commented on the traffic and the dust, potential ATV's and the noise and congestion that would happen. She feels it would disrupt the peace and quiet calling the idea a "nightmare".

Dave Meyers agreed with Whitfords. The Meyers live across Bell Road from where the campground will be located. Dave commented on the noise from a couple campsites when Mr. Sage had camped and how loud it would be with that many more campers. Dave is worried with the drilling of a new well if it would affect his own. He also posed the question with the sewer system, if it would put an increased burden on the city of Volga. Dave spoke to the fact that when all the dirt work started it was under the guise of agriculture. He spoke to the complaints filed with the County Zoning Office by him and his wife.

Discussion was held on erosion created by the dirt work and when exactly the DNR would be involved. With the rezoning, again, Mr. Sage would need to obtain a NPDES permit #2 for moving dirt. Up until that point, there are some liberties given to ag for some dirt work to be done.

Dave Meyers also brought up the problem with a lagoon sewer system and the smell. The engineer commented there were other alternative systems and the design has not been finalized. More than likely it will not be a lagoon system.

Dan Sage explained to the members that he was cleaning out the trees and putting in bigger ponds. He detailed how the idea of a campground came to be as his way of giving something back to the people. He informed Mary K. he started cleaning up the property 3 years ago.

Comments were made on the fact that Ray's Excavating was doing the dirt-work and Ray Peterson, the owner of the company and Chair of the Board of Supervisors, would have a conflict of interest once it goes before the Board. Mary Klink felt that this wasn't right.

Further public comments were made about it ruining the Scenic Byway of Bell Road, changing the character of the valley, affect their tax valuation and ruining the quality of life. It was also noted how Mr. Sage didn't "come around" to the neighbors and explain what he was thinking of doing.

Julie Meyers submitted a letter to the Commission from their lawyer.

Al T. asked if there were cost share dollars involved in the making of the terraces or any of the work done. Mr. Sage said no. A lot of conversations were held as to how, when and if the CRP could be bought back with the rezoning of those acres.

A couple members had issues with the fact that Dan Sage had waited until now to have rezoned instead of coming to the Commission right away. Bruce K. stated how this is spot zoning and how we (the County) try to preserve ag land.

Doug Reimer asked if the NRCS office was involved when the removal of the trees started. Dan said no. Doug thought they always had to be notified when that happened. Doug also asked about the differences in taxes on ag ground versus commercial. Patti relayed the information she had obtained from Andy Loan on the higher tax commercial could be valued at versus ag.

Doug asked if Mr. Sage had ever gotten together with the neighbors before now? He said no. He did speak to a couple individually. Mr. Sage commented how he wished they had come to talk to him. Dave Meyers spoke up and said they (the neighbors) were not the ones changing anything, he was.

Mary Klink said that it seems we "got the cart before the horse" here and would make the motion to reject the request for rezoning from ag to commercial. Bruce Kann second the motion.

Discussion was held. Doug R. wished Dan had talked with all his neighbors and came to the Commission first. Dan Parker said a lot of the questions being asked cannot be answered until the land is rezoned. Dan P. agreed that it probably should have come forward a while ago, but it is before us now.

Roll call vote:

Ayes - Doug Reimer, Kari Friedlein, Randy Vaske, Mary Klink, Becky Spielbauer, Allan Troester, Bruce Kann.

Nays - Dan Parker, Elise Bergan, Mike Tucker

Recommendation to the Board of Supervisors is for denying the rezoning request.

4. Adjourn.

Becky motioned to adjourn at 8:07pm with Mike second.