



PLANNING AND ZONING

Cerro Gordo County Courthouse

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July 22, 2022

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – ***Thursday, August 4, 2022; 4:00 p.m.; Boardroom***

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **August 4, 2022 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a subdivision request and a proposed Zoning Ordinance amendment by the Zoning Administrator.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via web conference will be made available. Social distancing will be practiced. You may join the web conference by using the following web address or by calling the phone number and entering the conference ID when prompted. Please let me know if you have any questions or if you are not able to attend in advance of the hearing.

BY COMPUTER

Web Conference: <https://bit.ly/3o3aL6h>

BY PHONE (AUDIO ONLY)

Conference phone: (641) 351-6385

Conference ID: 883 913 379#

1. Mitchell & Rebecca Plagge
2305 27th Avenue S and 2315 27th Avenue S)

P5 Subdivision (including

This property is adjacent to the southern incorporated city limits of Clear Lake along 27th Avenue S, including 2305 27th Avenue S and 2315 27th Avenue S. The proposed two lot subdivision of 10.05 acres is a replat of Lot 2 of Billings Subdivision. A rezoning from A-1 Agricultural to A-2 Agricultural Residence is being requested for both lots, since both lots will be below 10 acres in size.

Proposed Lot 1, the west parcel, is 5.49 acres in size. There is an existing house and detached garage, both of which meet required setbacks in the A-2 District (See Figures 1 & 2). There is an existing septic system and leech field that serves the house (See Figure 3). There is an existing driveway that provides direct access into the lot.

Proposed Lot 2, the east parcel, is 4.52 acres in size and has a large utility building, in which Mr. Plagge operates a seed sales business—a principle permitted use in the A-2 District (See Figures 4 & 5). There is an existing well located on the far east side of the lot that will be shared between both resulting lots (See Figure 6). There is an existing driveway that provides direct access into the lot.

A waterline easement and well-share agreement were drafted for service to the lots in the original Billings Subdivision in 2011/2012. These agreements specifically address the sharing and maintenance of the well and waterline running through those lots. However, it is unclear whether the well-share agreement would extend to the P5 Subdivision and the sharing of the well within the specific lots, even though the covenants within the Dedication of Plat subject the subdivision to the existing easement and agreement. During the site visit to the site, Mr. Plagge expressed intention to share the use of the existing well between the lots. For clarity, a new well-share agreement specifically applying to the P5 Subdivision needs to be drafted prior to the consideration by the Board of Supervisors to be recorded with the subdivision upon any approval. If any sharing of the existing wastewater system between the lots is desired, the agreement should address that as well. The option for a new well or septic system can be installed individually with proper permits from CG Public Health.

CG Public Health noted that the existing well on proposed Lot 2 was installed in 2006 and tested safe for coliform bacteria, E.Coli bacteria, nitrates, arsenic, and manganese in 2019. Annual water safety tests are recommended. All other wells have been plugged—in 2006 and 2018 respectively. If there are current water facilities in the utility building on proposed Lot 2 (e.g. showers, bathrooms, etc.), the owner must inform CG Public Health. The septic system for the house on proposed Lot 1 was installed in 2014. Any new well or wastewater systems are required to have permits through CG Public Health before installation.

The Auditor's Office has the approved the subdivision name, "P5 Subdivision, Cerro Gordo County, Iowa." The County Assessor and County Engineer had no concerns. The County Treasurer noted that some taxes are still due on the property, which must be paid before the Treasurer will sign the Treasurer's Certificate. The County Recorder noted that all applicable documents (e.g. Dedication of Plat, Owner's Certificate, Final Plat, etc.), must have notarized signatures from the owner prior to being recorded.

The following revisions to the Final Plat will need to be made and submitted to the Planning and Zoning Office prior to being heard by the Board of Supervisors:

- The northern boundary of the subdivision is along the incorporated city limits of Clear Lake. This should be labelled on the Final Plat as such.
- There is an existing waterline easement that runs through a portion of one or both proposed lots that was drafted when the original Billings Subdivision was approved. The location and dimensions of the waterline easement should be illustrated on the Final Plat.

The plat is within 2 miles of the city of Clear Lake. The City Council's approval will be required before the plat is considered by the Board of Supervisors. The city has been provided the opportunity for comment. Any comments received will be shared with the Commission at the hearing. There are no access issues. The proposed subdivision is generally in line with the goals and policies of the county Comprehensive Plan. I recommend the request for waiver of the preliminary plat be approved. . The approval should be contingent to the above revisions being made and a revised Final Plat being received by the Planning and Zoning Office before the hearing occurs.

2. Zoning Ordinance Amendment – Implementing regulatory processes for commercial boat hoist storage

This proposed amendment to the Zoning Ordinance is intended to expressly address the storage of boat hoists and watercraft in Cerro Gordo County. Currently, the only mention of such storage in the ordinance is in Section 6.9(E), which limits the number of boat hoists stored on a residential property to six. Since the county has a specific lake community with such uses, staff believes that expressly addressing such uses directly in the ordinance is needed.

The purpose of the amendment is to expressly allow for commercial boat hoist and watercraft storage for clarity and to place proper regulatory procedures in place for such use to support the lake community. The amendment makes clear where such storage is appropriate and allows for commercial storage in rural areas with applicable minimum requirements. Prior to this, no commercial storage would have been permitted on rural acreages or outside of industrial districts, except as an accessory use incidental for a related service establishment. To summarize, the amendment does the following:

- Adds definitions for “boat hoist” and “boat hoist storage facility” in Article 4.
- Adds agricultural districts to Section 6.9(E) for personal storage of a maximum of six boat hoists (which otherwise would not be permitted).
- Specifically adds a boat hoist storage facility as a principle permitted use within industrial districts under Article 16.3. This was previously interpreted as a use similar to other principle permitted uses within industrial districts and will take any such necessary interpretation out of the equation.
- Creates a special use category and minimum requirements for a boat hoist storage facility in the A-1 and A-2 Districts with Article 20.2 (Note: This will take the place of an outdated special use provision for farm feedlots in Sections FF and GG within Article 20, which are considered farm exempt.). Minimum requirements are intended to address the preservation of farmland, proper screening of the use for aesthetic purposes and limiting visual impact to neighbors, and dust control matters associated with frequent traffic of such a use during certain periods of the calendar year.

The County Comprehensive Plan appears to provide ample support for this amendment:

- Objective 8.5 identifies Clear Lake and its water shed as a critical resource. Beyond just an environmental resource, the lake is also a recreational resource. Proper regulation of out-of-season boat hoist storage will support the lake as a recreational resource by allowing for such a service in appropriate locations to protect property values, aesthetics, and the general welfare of the lake community and surrounding area.
- Further, Policy 9.1.1 calls for policies that support and encourage the protection of cultural resources. The lake, especially as a recreational resource, is the one of the main cultural drivers of the Clear Lake area. Boat hoist storage is an essential service that supports the recreational resources of Clear Lake. It is necessary that the ordinance addresses this use specifically while also balancing the character of the surrounding rural areas.
- Policy 2.1.5 encourages the use of performance standards where appropriate. The proposed minimum requirements address potential impacts of the use, such as screening for visual impacts, dust control from traffic, and preserving farmland.
- Goal 3 has a hefty set of Objectives and Policies about preserving farmland and limiting non-agricultural uses in the rural areas. It also provides guidance for non-farm uses to locate in rural areas where locating in incorporated areas is unfeasible. There is limited industrial areas within the cities within a feasible distance of the lake, so some allowance

appears to be necessary. The proposed minimum requirements intend to prevent large areas of farmland from being taken out of production and minimizing impacts to rural residents. They are designed to direct such a use to existing building sites where appropriate screening can be put in place and make for an appropriate location.

Rezonings could be requested for specific locations and assessed for appropriateness, impact, and compliance with the goals, objectives, and policies of the Comprehensive Plan.

- Objective 10.2 states that recreation facilities contribute to the quality of life of the lake community. Boat hoist storage is a corollary use to the recreational uses on the lake and must be supported with appropriate processes and regulations from the ordinance to mitigate the visual and other impacts of the use.