

**DALLAS COUNTY  
PLANNING & ZONING COMMISSION MINUTES**

The Dallas County Planning and Zoning Commission was called to order on **Tuesday, October 15<sup>th</sup>, 2019 at 5:00 P.M., in the Dallas County Board Conference Room at 902 Court Street in Adel, Iowa**, by chairman Craig Walter. Members Gail Smith, John Brummett, Michael Hegarty, Sherry James, Cathy Erickson, and Richard Beechum were present. Samuel Larson, Senior Planner; and Elizabeth Kilson, Office Manager, were also in attendance. Murray McConnell, Director, was absent.

**Approve Agenda:**

**Motion by M. Hegarty to approve agenda as presented. Seconded by C. Erickson. Ayes unanimous. Motion carried.**

**Approve Minutes of the last meeting of September 17<sup>th</sup>, 2019:**

**Motion by R. Beechum to approve the minutes of the last meeting of September 17<sup>th</sup>, 2019 as written. Seconded by M. Hegarty. Ayes unanimous. Motion carried.**

**Old Business:**

**Item 1: A petition to consider approval of a rezone from PUD (Planned Unit Development) to RE-1 (Suburban Estate), for Parcel # 1518126001, which is Lot 1 of Trail Ridge Subdivision, located in the NW1/4 of Section 18, T78N, R27W (Van Meter Township) for Trail Ridge Holdings, LLC (Engineering Resource Group, Inc) Tabled from 08/20/19**

**Petitioner**

Dustin Creech of ERG speaking: advised they are requesting to rezone lot 1 (approximately 20 acres) of Trail Ridge, so they can divide the lot into five (5) additional lots, and one proposed outlot. The outlot will provide river access for the members of the subdivision.

At the last meeting on 08/20/19, concerns were raised:

- 1) Existing road conditions of 330<sup>th</sup> Ln, and if it could support five additional lots, steep grade of the road
- 2) Slope of lot 1
- 3) Questions/concerns about the outlot use and maintenance
- 4) Road maintenance agreements

At 08/20/19 meeting, Murray advised the concerned citizens that the road quality concerns should be addressed to the Board of Supervisors and the County Engineer.

D. Creech advised that on 06/14/19 soil analysis was done on all proposed lots, those were reviewed by the Dallas County Environmental Health Administrator, Ted Trewin. ERG has submitted proposed home sites on all proposed lots to show adequate building sites on what is now lot 1 of Trail Ridge. They've also added a tree conservation easement to limit soil disruption, and have added the surface water flowage easement so the natural flow of water is not disrupted.

The HOA will be responsible for the outlot and have the answers for the questions asked about the outlot. D. Creech assumed it would possibly be a walking path that leads to the river. He read out loud the proposed covenants about the common area (outlot).

To speak to a road maintenance agreement: An agreement was prepared by Brett Osborne and sent over to the attorney for the other users, Jim Steinberg, who is also a resident of Trail Ridge and they have not provided comment.

In summary, D. Creech stated that they have heard all the concerns and made changes to their proposal and turned it over to Brett Osborn to speak about the road agreements.

Brett Osborn, attorney with Wetsch, Abbott, Osborn, Van Vliet, P.L.C., introduced himself. He prepared the road maintenance agreement and sent it to Jim Steinberg and stated they have not received comment back. He advised that currently, the road is maintained informally, "pass the hat" if you will. Trail Ridge Holdings LLC has proposed that they will just maintain the entire road that is front of the Trail Ridge

**DALLAS COUNTY  
PLANNING & ZONING COMMISSION MINUTES**

Subdivision. Current easements allow them the right to use and maintain the road, but no obligations to maintain the road.

**Questions from the Commission Members**

R. Beechum stated that he is the director for school transportation and that 330<sup>th</sup> Ln is a problem for buses in the winter.

C. Erickson asked what the definition of maintain was, does it include pot holes, snow removal, etc.

B. Osborn stated that he would need to look up the definition in the *Black's Law Dictionary* but typically, to keep like condition, repairs as needed, ordinary wear and tear.

C. Erickson stated that it was not defined in the agreement then.

Al Miller, Dallas County Engineer, stood to speak to the concerns about 330<sup>th</sup> Ln. He stated that 330<sup>th</sup> Ln could handle the additional traffic that 5 additional lots would bring – it is a two lane road granular surface road. He stated that there are maintenance issues, regrading is necessary, drainage is poor. They plan to pave intersections from the stop sign to the highway, but having 650 miles of road, it will take time to get to it. They will need to prioritize projects.

A. Miller also brought up people's expectations when living on a gravel road – there is dust, it gets muddy in the spring, and snow removal is limited. There is a Winter Maintenance Ordinance they must follow when clearing roads, paved roads must be taken care of first. He chose to attend the meeting and answer questions instead of providing a written memo.

J. Brummett asked if there was a timeline for the maintenance to 330<sup>th</sup> Ln.

A. Miller stated next construction season, when the weather is consistent since there is no secondary access for the development, they do not want to start a project until they will be able to complete it in a timely manner.

**Public Comment**

Bob Heimbaugh, 24409 Trail Ridge Rd, stated that the current private road is asphalt millings and he would like it to stay that way.

Troy Weiland, 33180 Timber Hills Dr, president of HOA for Timber Hills Subdivision (to the east of Trail Ridge) had a comment for Al Miller: is it possible to have asphalt millings on 330<sup>th</sup> Ln?

A. Miller responded that it was possible, but then that level of service would be requested everywhere. In his experience, asphalt millings lead to more potholes and maintenance. 330<sup>th</sup> is a small dead end road, it would be lower on the list. He suggested spraying dust control on 330<sup>th</sup> instead.

T. Weiland invited Al to drive the road, as Timber Hills Dr is also asphalt millings.

B. Heimbaugh asked if there would be an additional bus stop added.

Beechum advised that the subdivision is not approved yet, so no decisions have been made regarding that.

B. Heimbaugh also asked if they could have their snow removal company clear the county road 330<sup>th</sup> when they do the rest of the subdivision, as a lot of the issues they have in the winter stem from driving over and compacting the snow and causing it to freeze.

A. Miller advised that it might be possible, but necessary items will need to be in place before any of that could begin – Certificate of Insurance, Certificate of Liability, permits for working in the Right of Way, etc. It would need to be someone who knows what they are doing so the road is not damaged or cause issues.

**DALLAS COUNTY  
PLANNING & ZONING COMMISSION MINUTES**

**Staff Report**

S. Larson gave a brief history of the original subdivision, and how it was rezoned to PUD in 1994 but with the condition that only 30 lots max (due to the septic technology at the time) – which is why the rezoning of lot 1 is necessary to subdivide. Dallas County’s comprehensive plan, which was approved in 2000, shows this area as a “mixed bag” of build/no build areas. The comprehensive plan was based on a national soil survey that was not specific and no field work was completed. ERG has provided new information that shows this area to support septic systems and has shown that each proposed lot will have a buildable area. S. Larson advised that the commission will need to deliberate all the new information and make a recommendation.

**Commission Discussion and Deliberation**

R. Beechum stated there are only going to be five (5) more buildable lots, and sees no issue with the rezone. The land is there and not in production.

C. Erickson asked about the surface water flowage easement, and how it looked like all water was going to be directed to someone’s house.

D. Creech advised that the surface water flowage easement preserves the natural flow of water. The current water flows that way now, they are placing the easement there to ensure that development does not disrupt the natural flow. Water should never be diverted, just maintained.

C. Erickson stated concerns about changing the use of the land, and how much additional water will be added with the proposed houses.

D. Creech advised that the impact will be negligible.

**Motion by R. Beechum to recommend approval of a rezone from PUD (Planned Unit Development) to RE-1 (Suburban Estate), for Parcel # 1518126001, which is Lot 1 of Trail Ridge Subdivision, located in the NW1/4 of Section 18, T78N, R27W (Van Meter Township) for Trail Ridge Holdings, LLC (Engineering Resource Group, Inc). Seconded by M. Hegarty. Ayes by M. Hegarty, G. Smith, J. Brummett, S. James, R. Beechum, and C. Walter. Nay by C. Erickson. Motion carried.**

**Item 2: A petition to consider approval of a Conditional Use Permit to construct tiny homes and small furniture, and storage of bunk beds for Sleep In Heavenly Peace on Parcel # 1521100004, in the SW1/4 of NW1/4 Section 21, T78N, R27W (Van Meter Township), 34386 Old Portland Rd, zoned A-2 (Agricultural/Floodplain/Conservation) for IDTT Properties, LLC (Spencer Vandenberg).**

**Petitioner**

Spencer Vandenberg introduced himself as the property owner, and president of the area’s Sleep in Heavenly Peace chapter. He advised that Lowe’s sponsors/hosts the build events during nice weather. The one even they had at the property was friends and family that came to help build beds. The tiny home thing, he has no employees, everything is subbed out. He advised they’ve built three (3) in the past four (4) years. The tiny homes are shown at the Better Homes and Garden event and then typically sold while there or soon after.

**Staff Reports**

S. Larson advised a building permit was issued for an open floor, personal storage and personal woodworking accessory building. During routine inspections, the inspector found finished space with living quarters which triggered a code enforcement investigation that discovered numerous violations. He also advised that if the commission wanted to recommend approval, the office has suggestions for conditions, if they so choose: all work takes place indoors, no outdoor storage, and time limit in place for review.

**DALLAS COUNTY  
PLANNING & ZONING COMMISSION MINUTES**

**Commission Discussion and Deliberation**

C. Erickson asked if it was usual to have a time limit on something like this.

S. Larson advised that "Time" is one of the criteria that must be looked at when reviewing conditional use permit petitions (*referencing 45.09.3.C.vi Conditions to Authorize*).

C. Walter asked who would be responsible for the annual inspection if that was a condition.

J. Brummett asked if there was a cost associated with that.

S. Larson advised no cost, someone from the office would go and inspect, similar to a code enforcement inspection.

G. Smith confirmed what the annual inspection would consist of.

R. Beechum stated that an annual inspection is needed. If all conditions are being met, the annual inspection shouldn't be a problem.

S. Vandenberg advised that he was okay with a two year time limit on the conditional use permit. The tiny home trend would be over by then. He thinks the annual inspection is invasive.

R. Beechum made a motion to recommend approval with conditions suggested (no employees, no outdoor storage, and a time limit).

Back and forth discussion on appropriate time length, but no second to R. Beechum's motion, motion failed.

J. Brummett made a motion to recommend approval with a two year time limit, with an inspection to take place annually after the two years, be limited to the scope of the application, no outdoor storage with all builds taking place indoors, no onsite work by employees, contractors, subcontractors, workers, laborers, and/or volunteers. Seconded by G. Smith.

R. Beechum stated he did not see a difference in one year or two.

M. Hegarty stated that the annual inspection seemed like an overreach, and would like to have a two year time limit, and if additional time was needed, it would need to go through the process again.

S. Vandenberg wanted to clarify that the bed storage was not included in the time limit – S. Larson advised that the storage of the beds would be allowed, no time limit.

C. Walter asked for a vote: All Nays. Motion failed.

**Motion by M. Hegarty to recommend approval of a Conditional Use Permit to construct tiny homes and small furniture, and storage of bunk beds for Sleep In Heavenly Peace on Parcel # 1521100004, in the SW1/4 of NW1/4 Section 21, T78N, R27W (Van Meter Township), 34386 Old Portland Rd, zoned A-2 (Agricultural/Floodplain/Conservation) for IDTT Properties, LLC (Spencer Vandenberg), with the following conditions: 1) two year time limit; 2) be limited to the scope of the application, with no outdoor storage or displays with all activity taking place indoors, and no onsite work by employees, contractors, subcontractors, workers, laborers, and/or volunteers; 3) approved building permit for residential use. Seconded by R. Beechum. Ayes unanimous. Motion carried.**

**Motion by R. Beechum to adjourn meeting. Seconded by M. Hegarty. Ayes unanimous.**

**Meeting adjourned at 5:55 P.M.**

DALLAS COUNTY  
PLANNING & ZONING COMMISSION MINUTES

An audio recording of this meeting is available upon request from the Dallas County Department of Planning & Development.

Richard Beechum  
Richard Beechum Date  
Vice-Chairman, Planning & Zoning Commission

STATE OF IOWA )  
COUNTY OF DALLAS )

Signed or attested before me on Nov 19, 20 19 by Richard Beechum.

Elizabeth Kilson  
NOTARY PUBLIC



(SEAL)

Samuel Larson 11/14/2019  
Samuel Larson Date  
Senior Planner, Planning & Development

STATE OF IOWA )  
COUNTY OF DALLAS )

Signed or attested before me on Nov 19, 20 19 by Samuel Larson.

Elizabeth Kilson  
NOTARY PUBLIC



(SEAL)