

# Worth County Zoning Commission

## Report and Recommendations Related to Extension of Zoning Ordinance to be Effective County-wide

April 6, 2022

### Background

On January 24, 2022, the Board of Supervisors (Board) discussed issues and procedures for extending county-wide zoning, and North Iowa Area Council of Governments (NIACOG) presented the process to be followed for such consideration.

The Zoning Commission (Commission), having responsibility in the county to review and recommend Zoning Ordinance and zone assignments for the Board, took up the work to perform that research and develop recommendations related to this topic. The Commission began this work on February 2, 2022.

### Efforts Related to Commission Recommendations

The overall goal of the work by the Commission was to review the purpose of zoning to determine whether zoning across all townships was appropriate, and if so, to determine initial zone assignments to townships which would be encompassed under the current Zoning Ordinance guidelines. The Commission expressly decided to follow NIACOG recommendations not to pursue any updates to the existing Zoning Ordinance at this time, or review zoning assignments in the townships that currently fall under purview of the Ordinance (Brookfield, Danville, and Hartland Townships).

The Commission held multiple meetings focused on discussion of the extension of zoning purview and determination of initial zone assignments. Additionally, it became evident during this process that as a result of such a minority zoning in the county as presently the case, there are known and likely erroneous zone assignments in the currently zoned townships. The Commission did not make any effort to identify or address those lands – we focused entirely on zone assignments that would be in the newly covered townships.

The Commission heard from each Supervisor individually on their thoughts and recommendations related to these topics and worked with NIACOG on concepts and recommendations. During February and March, the Commission also provided multiple official public notices in newspapers of record and held two separate public hearings for comment. In early March, the Commission also caused letters to be mailed to all landowners in the nine townships under consideration for zoning. Unfortunately, due to errors made by the bulk mailing company, many of those letters arrived later than planned. On learning this, the commission extended the comment period by one week.

### Development of Final Recommendations

The recommendations we are presenting today is the culmination of several iterations of detail. Our first public hearing was to hear comments on the concept of the extension of the Zoning Ordinance applicability county-wide, as result of such vote by the Zoning Commission in Feb. We received no comment opposing this direction during the public hearing held February 22, 2022.

After work with NIACOG and multiple iterations of zone assignments, the Commission published proposed zone assignments on March 8 (on-line and at the courthouse) and caused a public notice to be published in all papers of record for the county. The Commission held a second public hearing on March 29, 2022, for comments on those assignments. The plan put forth by the Commission was to assign the zone of Agriculture (A-1) to all lands in the nine townships, with exception of those parcels clearly identified as having predominately non-ag uses (i.e. scrapyards, gravel pits, commercial properties,

etc...). Of the approximately 35-40 persons that attended that meeting or provided comments afterwards, a few persons spoke of concerns (predominately related to tax questions) related to zoning which were addressed by the Commission during the meeting (i.e. no impact to taxes), and a few persons had general questions. The commission also reviewed the ag exemption with attendees. A few persons spoke directly to the proposed zone assignments to their parcels, asking for additional parcels to be zoned as non-Ag. Only two people provided comment in opposition to zoning in general.

Subsequent to the public hearing and comments period the Zoning Commission met on April 6 to discuss an updated list of zone assignments. A vote was held to re-affirm the recommendation to extend the applicability of the existing Zoning Ordinance to apply county-wide, and to make recommendations for zone assignments consistent with the stated plan. (See enclosure for details). The vote passed unanimously.

## Recommendations

1. It is the unanimous recommendation of the Zoning Commission that the existing Zoning Ordinance should apply equally to all townships of the county. To do otherwise would be to treat citizens of the county unequally, and to preclude a majority of the residents from the protections provided to others with regard to a voice in the process of development in the county.
2. Assuming our recommendation with regard to county-wide zoning is carried by the Supervisors, the enclosure provides initial zone assignment recommendations for the land encompassed by the nine townships not already zoned. This recommendation represents a diligent, best effort at assigning zoning based on known current and near-term use of the land. It is recognized however, that there may be less obvious individual parcels that should be zoned as non-Ag (i.e. not zoned as A-1). Zone changes to those lands may be addressed at a later date when those lands are made known to the Zoning Commission. The existing Zoning Ordinance provides a process for such zone changes.
3. It is recommended that if the Supervisors extend zoning applicability per these recommendations, that there be a six (6) month fee-free period for zoning changes.
4. During this process it became evident that there are aspects of the text of the current Zoning Ordinance that should be updated. And, that there may be zone assignment errors in Brookfield, Danville and Hartland Townships as a result of the historical low focus of zoning in the county. Recognizing that if zoning is extended by the Supervisors that membership of the zoning commission would likely be changed, we decided to defer all such work until after the zoning decisions by the Supervisors. There are, however, several things related to the text of the ordinance that should be reviewed with an eye for change that should be taken up at the earliest opportunity.

Thank you, and I'd be happy to address any questions you may have at this time.

Jeff Gorball  
Chair, Worth County Zoning Commission

## Enclosure 1, Zone assignment Recommendations

All land in the unincorporated areas of the townships of Barton, Bristol, Deer Creek, Fertile, Grove, Kensett, Lincoln, Silver Lake and Union should be zoned as Agriculture (A-1) with exception of the properties listed below, and the properties within 2 miles of Manly city limits which should be zoned comparable to the zone assignments currently in place by the city of Manly via their 2-mile extraterritorial zone claim. Zone assignments currently in place in the unincorporated areas of the townships of Brookfield, Danville and Hartland should remain as assigned until such time as zone changes are deemed appropriate per guidance in the Worth County Zoning Ordinance.

<b>Township</b>	<b>Deedholder</b>	<b>Parcel #</b>	<b>Zone</b>
FERTILE	BMC AGGREGATES LC	09-25-300-002	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-25-300-005	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-26-400-009	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-26-400-010	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-200-005	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-200-006	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-200-007	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-200-010	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-400-005	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-35-400-010	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-100-001	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-100-002	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-100-003	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-100-004	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-300-001	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-300-003	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-400-001	Industrial- Heavy
FERTILE	BMC AGGREGATES LC	09-36-400-002	Industrial- Heavy
FERTILE	NELSON, ROBERT A (BMC Lease)	09-25-400-003	Industrial- Heavy
FERTILE	NELSON, ROBERT A (BMC Lease)	09-25-400-004	Industrial- Heavy
FERTILE	POET BIOREFINING-HANLONTOWN LLC	09-24-100-006	Industrial- Heavy
FERTILE	POET BIOREFINING-HANLONTOWN LLC	09-24-300-001	Industrial- Heavy
FERTILE	POET BIOREFINING-HANLONTOWN LLC	09-24-300-002	Industrial- Heavy
FERTILE	PROAG SOLUTIONS LLC	09-26-200-006	Industrial-Light
GRAFTON	PROGRESSIVE AG COOPERATIVE (Viafield)	12-02-100-002	Industrial- Light
GRAFTON	PROGRESSIVE AG COOPERATIVE (Viafield)	12-12-100-001	Industrial- Light
GROVE	3 H ACCOUNT, LLC	03-29-300-001	Industrial- Heavy
GROVE	3 H ACCOUNT, LLC	03-29-300-003	Industrial- Heavy
GROVE	3 H ACCOUNT, LLC	03-29-300-004	Industrial- Heavy
GROVE	CEMSTONE CONCRETE MATERIALS LLC	03-31-100-009	Industrial- Heavy
GROVE	FALK CONSTRUCTION CO	03-32-300-004	Industrial- Heavy
GROVE	FALK CONSTRUCTION CO	03-32-300-004	Industrial- Heavy

GROVE	NORTHWOOD COUNTRY CLUB	03-20-300-001	Commercial - Recreation
GROVE	NORTHWOOD GOLF CLUB	03-19-200-008	Commercial - Recreation
GROVE	NORTHWOOD GOLF CLUB	03-19-200-901	Commercial - Recreation
GROVE	RANDALL TRANSIT MIX	03-31-100-006	Industrial- Heavy
GROVE	RANDALL TRANSIT MIX CO.	03-31-100-010	Industrial- Heavy
KENSETT	AG VANTAGE FS, INC.	07-09-100-003	Industrial- Light
KENSETT	BERGE, LARRY J & JANETTE (Berge Oil)	07-10-400-002	Industrial-Light
KENSETT	FALKSTONE LLC	07-09-200-010	Industrial- Heavy
KENSETT	FALKSTONE LLC	07-09-400-002	Industrial- Heavy
KENSETT	HAUGEN, LAURITZ G TRUST (Falk quarry)	07-10-300-001	Industrial- Heavy
KENSETT	HAUGEN, LAURITZ G TRUST (Falk quarry)	07-10-300-002	Industrial- Heavy
KENSETT	LEAKE REALTY LLC (Bucks Recycling)	04-33-400-009	Industrial- Heavy
KENSETT	OLSON, EMIL FARM PROP LII PTSP (Ulland Bros.)	07-11-100-003	Industrial- Heavy
KENSETT	OLSON, EMIL FARM PROP LII PTSP (Ulland Bros.)	07-11-100-004	Industrial- Heavy
KENSETT	OLSON, EMIL FARM PROP LII PTSP (Ulland Bros.)	07-11-300-006	Industrial- Heavy
KENSETT	OLSON, NADIENE C. & R. EMIL (Ulland Bros.)	07-10-400-001	Industrial- Heavy
KENSETT	OLSON, NADIENE C. & R. EMIL (Ulland Bros.)	07-10-400-003	Industrial- Heavy
KENSETT	OLSON, NADIENE C. & R. EMIL (Ulland Bros.)	07-10-400-005	Industrial- Heavy
KENSETT	OLSON, NADIENE C. & R. EMIL (Ulland Bros.)	07-11-300-001	Industrial- Heavy
KENSETT	OLSON, NADIENE C. TRUSTEE & R. EMIL (Ulland Bros.)	07-10-400-004	Industrial- Heavy
KENSETT	OLSON, NADIENE C. TRUSTEE & R. EMIL (Ulland Bros.)	07-10-400-007	Industrial- Heavy
KENSETT	OLSON, NADIENE C. TRUSTEE & R. EMIL, TRUSTEE (Ulland Bros.)	07-10-400-004	Industrial- Heavy
KENSETT	OLSON, NADIENE C. TRUSTEE & R. EMIL, TRUSTEE (Ulland Bros.)	07-10-400-005	Industrial- Heavy
KENSETT	OLSON, NADIENE C. TRUSTEE & R. EMIL, TRUSTEE (Ulland Bros.)	07-10-400-007	Industrial- Heavy
KENSETT	TP MACHIN, LLC (Wild Horse scrap yard)	07-28-200-007	Industrial- Heavy
KENSETT	TP MACHIN, LLC (Wild Horse scrap yard)	07-28-401-001	Industrial- Heavy
KENSETT	TRENHAILE & SONS INC. (Falkstone quarry)	07-09-200-008	Industrial- Heavy
KENSETT	TRENHAILE & SONS INC. (Falkstone quarry)	07-09-400-004	Industrial- Heavy
KENSETT	TRENHAILE & SONS INC. (Falkstone quarry)	07-09-200-008	Industrial- Heavy
KENSETT	TRENHAILE & SONS INC. (Falkstone quarry)	07-09-400-003	Industrial- Heavy
KENSETT	TRENHAILE & SONS INC. (Falkstone quarry)	07-09-400-005	Industrial- Heavy
KENSETT	ULLAND BROTHERS INC	07-10-200-002	Industrial- Heavy
KENSETT	ULLAND BROTHERS INC	07-10-200-003	Industrial- Heavy
KENSETT	ULLAND BROTHERS INC	07-10-200-004	Industrial- Heavy

KENSETT	ULLAND BROTHERS INC	07-10-200-006	Industrial- Heavy
LINCOLN	AB REAL ESTATE, LLC (Bucks Recycling)	11-28-126-031	Industrial- Heavy
LINCOLN	AB REAL ESTATE, LLC (Bucks Recycling)	11-28-126-033	Industrial- Heavy
LINCOLN	AB REAL ESTATE, LLC (Bucks Recycling)	11-28-126-035	Industrial- Heavy
LINCOLN	ASMUS, HARLAN & AMY	11-25-200-012	Industrial- Light
LINCOLN	ASMUS, HARLAN & AMY	11-25-200-013	Industrial- Light
LINCOLN	DEIDRICH, BRANDON T	11-02-200-005	Industrial- Light
LINCOLN	HOLSTAD, SERENA, SHIELDS, MATTHEW, SHIELDS, JON & LAURIE A.	11-01-300-006	Industrial- Heavy
LINCOLN	HOLSTAD, SERENA, SHIELDS, MATTHEW, SHIELDS, JON & LAURIE A.	11-01-300-009	Industrial- Heavy
LINCOLN	MANLY LOGISTICS PARK LLC	11-09-400-025	Industrial- Light
LINCOLN	MANLY TERMINAL LLC	11-16-200-006	Industrial- Heavy
LINCOLN	SUKUP MANUFACTURING	11-09-400-013	Industrial- Light
SILVER LAKE	CREWS, ROGER & KAREN	01-31-300-004	Industrial- Heavy
SILVER LAKE	HAPPY TIMES RESORT LLC	01-26-300-002	Commercial - Recreation
UNION	CHARLSON, TIMOTHY W & TAMMY L	12-03-200-007	Industrial- Light
UNION	GRAFTON ECONOMICS DEV CORP	12-03-200-003	Industrial- Light