

DICKINSON COUNTY PLANNING AND ZONING COMMISSION
Monday, January 21, 2008
1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, January 21, 2008 at 1:00 p.m. in the community room of the Dickinson County Courthouse.

Members present were Duane Moser, Mike Roach, Tim Fairchild, Sally Nielsen and Tony Weber. Absent were Jon Gunderson and Bob Chaffin.

First on the agenda was approval of the December 17, 2007 minutes. Fairchild moved to accept the minutes as written. Roach seconded. All in favor.

Second on the agenda was an amendment to Zoning Ordinance 102, to add Article #34. West Okoboji Harbor First, Second and Third Additions, Overlay District, recommendation to the Board of Supervisors.

Brad Howe was representing the Harbor Association. He introduced board members Walt Homan, President, Ron Lowe, Vice President, Steve Lindeberg, Director and Colleen Barker, Director/Secretary.

Replying to the concern of waiting until winter when many residents of the Harbor are gone, Howe said they had started this process a year ago. There were scheduling problems with his office and with the zoning office that put off the hearing until last month.

Howe said the letters and comments they have received against the overlay district have been mostly from the lakeshore owners. The Board of Governors has directed him to have the lakeshore lots removed from the proposed overlay district.

Howe gave some history on development of the Harbor in three plats and the restrictive covenants that were not properly renewed due to a technical error in the filing. The plats were set up with an Association, dues to be collected, a governing board, annual meetings and a design committee. These provisions and requirements are still in place in his legal opinion.

To reinstate the restrictive covenants now would be a long and tedious process and would require 100% agreement of all property owners in West Okoboji Harbor as well as any banks holding loans on the properties. A zoning overlay district would provide protection and regulations that the normal zoning ordinance rules don't cover. There are 136 non-lakeshore lot owners. Only one cast a no vote.

Colleen Barker advised that she sent out notices and a copy of the proposed overlay district to all 145 property owners.

Howe said he would have to assume that any lot owners that aren't present or haven't sent letters are not opposed.

Howe went through each section of the proposed overlay district. He said the Harbor Board of Directors will use any enforcement processes available before coming back to the Planning and Zoning or Board of Supervisors.

The Planning and Zoning members had questions: what happens to structures that were placed during this questionable period, use of existing wells, did they consider incorporation, and the enforcement process.

Correspondence had been received and placed into the file record. Howe noted that Daniel Berg requested their letter be read.

Chairman Nielsen read all letters in the file as follows: Cover letter from Colleen Barker, Daniel and Jodi Berg, Gordon Hansch, Leroy and Judy Schoon, David Johnson, Bonnie Johnson, Robert and Bernice Albright, and David Stein Jr. representing John and Shiuvaun Dougherty.

Kenda Templeton spoke and said that she is opposed to the overlay district and presented a list of her objections.

Duane Moser asked if there were problems out there that regular zoning regulations don't cover.

Colleen Barker told of some recent issues.

Howe gave rebuttal to Ms. Templeton's concerns and questions.

Fairchild asked why the lakeshore owners were being excluded.

Howe showed on a map that their front yard is the lake. For the other owners, the front yard is the canals.

David Stein Jr. said Howe had alleviated a lot of his client's concerns by excluding them from this overlay district.

Mildred Anderson and Irving Bockman spoke in favor of having additional regulations in place.

Stein said one option would be to table the hearing until more discussion could be held.

Howe said this would come before the Board of Supervisors, so the public would have another chance to discuss this.

Discussion followed of adding a stipulation to the overlay district that the Harbor Association must exhaust all remedies before coming to the zoning board.

More questions: Parking commercial vehicles at the residences, handling of the Harbor Association meetings, concern that approval of this overlay would open the way for other subdivisions whose covenants have expired to try this.

Saunders said two members of the Planning and Zoning board are gone today. Four of the five members present would have to vote unanimously in order to pass. He advised Howe that he could table this if they want to re-write some of the proposed wording.

Discussion of adding a variance section in the overlay district which the Board of Directors could use to decide on situations not specifically covered in the ordinance.

Howe asked for a five minute recess to talk to his clients. The meeting recessed at 2:55 p.m.

The meeting reconvened at 3:03 p.m.

Howe said if the board members would feel more comfortable after working on the language, they would agree to table so he and Saunders could work on the language. The hearing would be tabled until Howe requests it to be back on the agenda.

Weber moved to table action on the West Okoboji Harbor Overlay District. Moser seconded. All were in favor.

Third on the agenda was old or unknown business. Kohlhaase said the Low Impact Development Committee had their first meeting January 21st. Tony Weber is the Chair and Sally Nielsen the Vice-Chair. Their next meeting is Monday January 28th. Brochures regarding an upcoming Planning and Zoning workshop were passed out to the members.

Election of officers will be added to the February agenda.

There being no further business, the meeting was adjourned at 3:10 p.m.

Filed By: Barbara Woodley Date: January 22, 2008