



THE WATCHDOG

Keeping a watchful eye on taxation

A Publication of the Dickinson County Taxpayers Association

A 501 (C) (3) non-profit organization

December, 2017 VOLUME 15 ISSUE 2

Mark Your Calendar

Annual Meeting
June 8, 2018

Monthly Meetings
Second Thursdays
8 AM
April through
December
At Arnolds Park
City Hall
Public Invited!

Officers

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Who Controls The Land?

To many it is the owner of the land who controls how a piece of property is used. About fifty years ago Dickinson County and most of our cities adopted zoning ordinances to provide better control of land use. A zoning ordinance is a written regulation that defines how property in specific geographic zones can be used. The ordinance specifies if a zone can be used for residential or commercial purposes, and may also regulate lot size, building placement, density, and the height of structures.

Typically within each zoning classification there are subcategories, for example:

A-1 Agricultural	R-1 Single Family	General Commercial
A-2 Environmental	R-2 One - Two Family	Highway Commercial
	R-3 Multi-family Residential	Resort Enterprise
	R4 Lakeshore Residential	Light Industrial
	R5 Mobile Homes	Heavy Industrial

Normally, a **Planning and Zoning Commission** is authorized by each community zoning ordinance to recommend changes to the zoning ordinance to accommodate changing uses. Members of the P&Z are appointed by the cognizant government entity.

It is also typical for each community to have a **Board of Adjustment** that is authorized to approve "Conditional Uses" that are already provided in the zoning ordinances. They can also approve "Variances" from the zoning ordinances to allow a specific exception for a specific property. Members of the BOA are appointed by the cognizant government entity.

An important issue in the lakes area is a real estate technique called "**key holing**". That is the practice of using a water front property as a common open space giving water front access to a larger development located away from the waterfront. In most cases back property owners will claim the right to install docks and/or

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hoists in the lake due to a narrow strip of land that connects them to the lake. Most zoning ordinances have a “key holing” provision to control the amount of lake access.

LIVING WITH AGRICULTURE

Iowa law as enacted by our legislature does not allow cities or counties to have any zoning jurisdiction over farming. The Iowa Department of Natural Resources and the County Board of Supervisors have almost no control over the siting of large animal operations. A “Master Matrix” was intended to protect homes, schools, churches and others from Confined Animal Feeding Operations (CAFO’s) with 4,000 or more hogs. Unfortunately, many feel the MM is very weak.

Dickinson County is the only county in Iowa that advertises a Public Hearing (Lakes News Shopper) to alert residents that a CAFO or new Manure Management Plan is being proposed in their neighborhood. A 2008 “gentlemen’s agreement” with major hog producers has protected the Iowa Great Lakes with a four-mile protection zone. Some people don’t believe that protection is very important. Specific livestock questions can be addressed to the DNR Environmental Services Division in Spencer at 712/ 262-4177.

EDITORS NOTE: *The information provided in this newsletter represents only a short summary of zoning information. Readers are encouraged to review the entire zoning ordinances for their jurisdiction and consult an attorney when necessary.*

Two Classifications for Property

- **ZONING** Your property is located in a specific city or county zoning area that determines what kind of use can be made of your property and that of your neighbor’s property.
- **PROPERTY TAX** Real estate parcels are also assigned a property classification by the County assessor. This classification is to be consistent with the primary use of the property. There are five main classifications of property in Iowa. These classes are agricultural, residential, multi-residential, commercial, and industrial. The Assessor classification relates to your property tax and may not be the same as the zoning of the property. DC Assessors website www.dickinson.iowaassessors.com

EXAMPLE: Your house could be considered a residence by the Assessor that would relate to your property tax AND it could also be located in an Agricultural zone that could allow farming on an adjacent piece of land.

Dickinson County Zoning

The Dickinson County Zoning office is located on the NW corner of the second floor of the Court House. It is office space shared with the County Engineer and the County Roads Department. David Kohlhaase is the County Zoning & Environmental Health Administrator. The Office Manager is Megan Kardell. The telephone number is 336-2770. David's email address is dkohlhaase@co.dickinson.ia.us In addition to zoning they also deal with environmental health (wells & septic tanks).

The purposes of zoning is to separate conflicting land uses such as residential and industrial, to ensure new development is located according to the comprehensive plan and to promote quality development that won't harm public health, safety, or welfare. The Dickinson County Zoning Ordinance 102, consisting of 123 pages, can be found at website: www.dickinsoncountyiowa.org/wp-content/uploads/2013/03/ZONING-ORDINANCE-102.pdf

The Dickinson County P&Z has seven members and the Board of Adjustment has five members - each are appointed for five year terms by the Board of Supervisors. Provided there is business to conduct the County zoning commissions meet:

Planning & Zoning Commission – Third Monday of the month at 1 PM
Board of Adjustment – Fourth Monday of the month at 7 PM

Most meetings are held in the Community Room of the Court House and are open to the public. (Board of Supervisors meet most Tuesdays at 9:30 AM) The agendas and minutes of the County Planning & Zoning Commission and the Board of Adjustment can be found on the County website www.dickinsoncountyiowa.org/zoning-and-environmental-health

There are three main functions of the Dickinson County **Board of Adjustment**:

Conditional Use are uses thought to be an acceptable use in a zoning district, but it takes an additional approval from the BOA.

Variances are authorized by the BOA only for height, area, and size of structures or size and area of lots, yards and open spaces.

Administrative Review to hear and decide appeals alleged against the Administrative officer.

Contact the Dickinson County Zoning and Environmental Health office with any questions you may have. Forms for many County zoning requests can be found on the Dickinson County website. The County zoning and environmental office also has handy lists of companies that provide environmental services in Dickinson County that includes: well contractors, well drillers, septic tank maintenance, and land surveyors.

Information about Dickinson County property can be found at the Beacon site: www.beacon.schneidercorp.com

EDITORS NOTE: *This section only provides a summary of zoning information in the unincorporated areas of Dickinson County. Each city has similar zoning requirements. Space here does not permit us to address each city, but they probably have a similar zoning system. Check with city hall or access their website for information about their zoning ordinance.*

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The Dickinson
County Taxpayers
Association
(DCTA) is a
non-profit,
non-partisan
coalition of
taxpayers
individuals and
businesses in
Dickinson County.

DCTA WATCHDOG

newsletter is a benefit of
membership in DCTA.
To learn more about
supporting DCTA, visit:
www.Dctaxpayers.org

PROPERTY TAX CALENDAR

- January 1st – effective date of current assessment.
- March – second half of property taxes are due.
- March – notice of new assessment mailed.
- April 2 through April 25 - Taxpayer may inquire about their assessment, and may also request an informal Review of the assessment by the assessor under one or more of the grounds for protest.
- April 2 through April 30 - a written protest must be filed with the Board of Review.
- May 1st - Board of Review meets each year until adjournment to review written protests.
- August – property tax bills for coming September and March are mailed.