

Minutes - Woodbury County Zoning Commission Meeting September 26, 2005

The meeting convened on the 26nd of September, 2005 at 7:06 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Commission members – Chairman Don Groves, Dwight Rorholm, and Grady Marx; Arvin Nelson arrived late; Larry Tobin was absent; Zoning Staff: John Pylelo and Peggy Napier; Riley Simpson, Dennis and Judy Bollmeyer, and Dan Kriener from the public were in attendance. Also present were public citizens on the attached list. Chairman Groves informed those present the meeting was being audio taped.

The first agenda item was approval of the previous meeting's minutes of August 22, 2005.

Minutes of the August 22, 2005 Zoning Commission meeting were approved on motion made by Mr. Marx; seconded by Mr. Rorholm; motion carried.

The second agenda item was the review and recommendation of Final Plats of Bollmeyer's First Addition Subdivision – Parcel #883515.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from Dennis and Judy Bollmeyer for the Bollmeyer First Addition Subdivision. The Bollmeyers intend to develop 31.563 acres into five lots for residential development. Four of the five lots will be subdivided with the intention of single family residential development. The fifth lot, a flag lot consisting of 19.345 acres, will remain in agricultural production.

A 2.738 acre Outlot A on the west side of the subdivision will provide access to property also owned by the Bollmeyers to the South. The remainder of the property within 40 acre tract lies to the East of the proposed subdivision and was recently sold to Mr. Randy Ryan. Mr. Ryan did not wish to be part of the Bollmeyer's proposed subdivision.

The property is located in the NW ¼, NE ¼, of Section 7 Concord Township less than 1 mile east of Sioux City and abutting the south side of 110th St. A paving agreement will not be required as 110th St. is a paved, county maintained roadway.

The property is zoned AG (Agricultural) with the intended use permitted within this Zoning District. The property is question is within two miles of the corporate limits of Sioux City and will require approval by the City Council of Sioux City.

The property has a 39.05 average Crop Suitability Rating. Notifications were sent with no additional agency or property owner making comment since your conditional approval of the preliminary plats.

At your August 22, 2005 meeting your Commission recommended approval of the Preliminary Plats subject to the Office of Planning and Zoning researching a specific issue. Specifically the issue of existence of any statutory or County ordinance requirement to include entire portions of any forty (40) acres tracts within the platting process and assigning lot designations thereto. Research shows no such requirement exists.

Review of past approved subdivisions indicates a mixture of situations where up to entire forty (40) acre tracts (quarter/quarter sections) have been platted with lot designations. Other subdivisions plat only portions of 40 acre tracts. In most cases where lot designations for the entire 40 acre tracts are shown the property is owned by the applicant developer or a family member.

It is the recommendation of the office of Planning and Zoning that your Commission consider the following or similar policy:

Direct the Office of Planning and Zoning to enforce the following subdivision policies:

Preliminary plats are to plat the boundaries of all quarter-quarter sections (40 acre tract(s)) in which any subdivision lot lies. Topographic and all other required preliminary plat information is to be shown for the included area.

Developer applicants shall have discretion in determining lot designations for a portion or all of the forty (40) acre tract(s) impacted subject to meeting all other ordinance requirements.

Final plats will include plat information on the same area less topography and structure information.

The Preliminary Plats of the Bollmeyer First Addition subdivision adhere to the above referenced recommendation. At your meeting of August 22, 2005 your Commission voted, subject to the research previously discussed, to recommend to the Board of Supervisors that they approve the Preliminary Plats for the Bollmeyer First Addition Subdivision

At their meeting of September 13, 2005 the Board of Supervisors considered your Preliminary Plat recommendation reviewed the Final Plats and now refers said Final Plats to your Zoning Commission for review and recommendation.

Chairman Groves asked the Commissioners if they wanted to have any action on the recommendations that Mr. Pylelo included in his narrative to direct the planning and zoning on the preliminary plats. Mr. Rorholm preferred to discuss it at a later date and Mr. Pylelo wished to wait until all five (5) commission members were present. A discussion was tabled until further notice. Mr. Marx asked if the Commission was making a single subdivision exception in the Bollmeyer case. Chairman Groves and Mr. Pylelo said that was not the case and Mr. Pylelo had found evidence in similar situations where Planning and Zoning had both included the 40 acres and not included the 40 acres in consideration of a subdivision and the Bollmeyer case did not set a precedence.

Chairman Groves asked if there were any other considerations or questions from the Commission on the Bollmeyer preliminary plats.

Mr. Rorholm said he did not think a potential paving agreement was needed in the eventuality that (flag) lot five (5) became developed. His assumption was at the time of development the paving agreement would be discussed. Chairman Groves agreed and added that the accesses indicated on the final plat for lots 1 and 2, and lots 3 and 4 were from Hwy D12. Groves further stated a (county wide) regulation prohibits three (3) or more entrances from one (1) access road off a county road. Commissioners Rorholm and Marx discussed whether Secondary Roads had approved a paved road on the 60 foot wide section of the flag lot and Mr. Pylelo stated it would have to be approved in the eventuality of development. Mr. Rorholm was concerned that the setbacks of structures on lots 2 and 3 might be affected if the abstracts didn't currently reflect the status of the 60 foot portion of the flag lot. He wanted to be sure that no temporary entrances to lots 2 or 3 be made using the 60 foot easement that would be required to cease should development commence on flag lot 5. Dan Kriener assured the Zoning Commission it was never the intent of the Bollmeyers to use the 60 foot easement as an access point.

Mr. Marx agreed with Mr. Pylelo to approve the final plat as is and made a motion to that effect. Mr. Rorholm seconded the motion.

Chairman Groves asked if there were any further discussion or comments pertaining to the Bollmeyer final plat before the motion was carried. Mr. Rorholm stated he wished the final plats to be conditional to his concerns.

Mr. Rorholm wished to amend the motion saying the Commission would not allow side entrances to lot 3 and lot 2 off the 60 foot access point. Mr. Marx said he wished for the motion to be left as is and let the setbacks determine where and when they build them.

Chairman Groves restated the current proposal adding he had no problem including that it was not the intent of the Bollmeyers to use that entrance only if lot 5 was developed. Mr. Rorholm stated that he would approve of adding that statement to the proposal; that the 60 foot access way between lot 2 and 3 is intended specifically for access to lot 5 and lot 5 only.

There was now a motion on the floor by Grady to accept it as is; a second by Mr. Rorholm with an amendment stating the 60 foot access is to be used only as an access to lot 5 as the drawing shows. Motion carried.

Mr. Rorholm made a motion to recess the meeting in the Board room and move downstairs for the final public discussion of the 2005 Development Plan. Mr. Marx seconded the motion. Motion carried.

Mr. Marx made a motion to reconvene the meeting in the jury room of the basement. Mr. Rorholm seconded the motion. Motion carried.

The third Agenda item was a Public Hearing to accept comments on the proposed draft of the Woodbury County's 2005 General Development Plan.

Mr. Riley Simpson was present to continue dialogue and answer citizen inquiry in a formal public hearing format regarding Woodbury County's 2005 General Development Plan and the latest draft dated August 20, 2005. Copies were made available to those who wanted one for review and reference. This latest plan draft was submitted and discussed at the Zoning Commission August 22, 2005 meeting. Mr. Simpson, Mr. Pylelo, and the Zoning Commission were there to accept formal public comments and make further document revision where determined warranted.

Mr. Simpson began by polling those present to determine how in-depth his review need be. He presented a condensed version of the August 20, 2005 Development Plan and a reminder that the full plan including appendices could be found in the Planning and Zoning office or on the county website. The questions brought up by the public and issues discussed follow:

- *A gentleman from the audience asked what the deadline was for getting the plan and the new ordinances and regulations done.*
Mr. Pylelo thought the finished plan should be ready for the Board of Supervisors by approximately March 31, 2006. We could look forward to an adoption by the Board by April or some time shortly thereafter. We will see to the public notices, the advertising and the mailings to all who are on our mailings lists. The public was also encouraged by Mr. Simpson to call him and Mr. Pylelo as often as they need to and make sure they hear and understand what the public has to say.
- *Kathy Bergen on Buchanan Ave. said that the city was planning on annexing her land and she wanted to know if the new development plan would affect her at all.*
Mr. Simpson said that as he understood Sioux City's plan, they were not actively planning to annex out to (Kathy Bergen) or anybody else. They are expecting that if the city grows out to where (Mrs. Bergen) lives, that other people have annexed their property voluntarily; then their (the city's) plans and their regulations will prevail. Until (the city) annexes, what Woodbury County adopts will prevail.
- *A gentleman asked if any members of the Board of Supervisors were in attendance this evening.*
Chairman Groves answered that Board member Mark Monson was in attendance.

Mr. Monson stood and was recognized.

- *A gentleman asked if the draft of the ordinances would be the draft out of the ordinances of 2003.*

Chairman Groves and Mr. Marx from the Commission and Mr. Simpson all replied that the ordinances would start from ground zero, but obviously Mr. Simpson would take the 2003 ordinances and the existing 1971 ordinances as “kind of a starting point,” but he would rewrite whatever he has to to make it work.

The gentleman asked if they would see them at public meetings as well.

Mr. Simpson said they would be at the public meetings but would be on the website several weeks ahead of the public meeting as well.

- *A gentleman commented that what was on the screen was not the same thing as what was drafted that they had been handed.*

Mr. Simpson explained what was on the screen had been condensed in the interest of time and brevity. The public should refer to the draft they had been handed for actual wording and expanded content. Mr. Simpson said there should not be any material difference.

- *Board of Adjustment member Kenneth Gard called Mr. Simpson’s attention to several areas in the draft that were open for interpretation.*

- *(pg. 22 – Transportation Goal) “Woodbury County ‘shall’ develop and support...10.2...expand air service for passengers and freight at the Sioux Gateway Airport.” Mr. Gard asked if Mr. Simpson had made a commitment there that the Supervisors would have to donate money/tax dollars to support the airport? He further suggested that Mr. Simpson take the word “shall” out and replace it with the word “may.”*

- *(pg. 21 – Facilities and Operations Goal) “Woodbury County ‘shall’ provide adequate public facilities and services to support growth and development.” Mr. Gard wondered if what was meant by “development” was that “the County” would put the streets in for them.*

Mr. Simpson didn’t think that was what was intended, but made notations regarding Mr. Gard’s concerns.

- *(pg. 17 – Land Use Goal - 1.8) Develop intergovernmental agreements (“28E”) with the city of Sioux City, Sergeant Bluff and other growing cities to eliminate unnecessary duplications in future subdivision, land use and zoning review. Mr. Gard questions whether “the county has any right to obligate me to avail Sioux City, or any other cities joinorary connections when I can’t vote for them. I don’t think you can answer those. I think that has to be handled through the county.*

Mr. Simpson explained that 28E is “a section of state code that provides for the authority for cities and counties and other public agencies to enter into agreements to share their powers and duties. 28E is the chapter of state code that allows (*interjection by audience member*)...more like inspection services...

(Simpson) It’s jargon that people who work for the government use in the state

of Iowa.

Mr. Pylelo added that he thought where Mr. Gard, a member of the Board of Adjustment who was very well tuned to some of the issues that were being presented, was going was historically Woodbury County and the city of Sioux City in the past have sat down at tables to discuss urban services agreements – essentially the “28E” agreement – whereby, within a specific locale or an area within the corporate limits of the city, there would be a sharing, or turning over, of responsibilities in regard to things like building codes, zoning designations, roadway improvements, maintenance...those types of things. We have another player in this whole mix in Woodbury County; a major player now, Sergeant Bluff. It is possible, to maintain the line of communication, Woodbury County is justified and should sit down with those entities to discuss their future growth so we know what’s going on, and maybe, in some instances, should relinquish some of the authority it has in specific locales. On the other hand, there maybe are some areas in Woodbury County where the city of Sioux City and the city of Sergeant Bluff as well as any other incorporated area have some jurisdictional capabilities and that is the two (2) mile limit. Right now if you want to do a subdivision in Woodbury County - you saw it happen tonight in the meeting - there is a provision in the state code which provides the city of Sioux City (in this example) the right to approve or disapprove the subdivision if it is within two (2) miles of the city limits of Sioux City. Should we sit down at a table with Sioux City or Sergeant Bluff or any of the other towns and decide in these areas maybe (the city) should have something to say? That is, where is your town going to grow and eventually what area will be in the city limits? Should you have something to say about the growth? Likewise, if it isn’t in your plan to grow into a certain area and it is within two (2) miles, maybe you should relinquish all that jurisdiction back to Woodbury County so we can make that area grow the way we see fit. I am not saying that it is going to happen, I am not saying it isn’t. I think, for the best service of Woodbury County, we need to listen to what the cities of Woodbury County have to say and where they are going so we aren’t kept in the dark and have to knee-jerk react to issues. We can plan ahead with them.

- *Garrett Anfinson from 220th St. commented if there were rules and regulations in place, it is extremely important that they be enforced. His specific issue was the developed area around his property that had driveways but no culverts creating a water runoff problem. He claimed the issue had been brought up at previous meetings with no satisfactory resolution. He also mentioned those who made decisions coming onto his property and telling him he could no longer shoot on his property or bring horses onto his property anymore.*

Mr. Pylelo asked him to please call him at his office so they could discuss specific issues and find a way to resolve them with the appropriate departments.

Mr. Anfinson felt there might be a breakdown with communication between the departments in the county and suggested the county attempt to address that issue first.

Mr. Anfinson also felt traffic accommodations were not being considered in the configuration of the development around his land.

Mr. Pylelo stated if he was hearing Mr. Anfinson correctly, Mr. Anfinson would like to see some kind of coordination that would focus residential subdivision development to paved roads. He assured Mr. Anfinson that he and the Commission have heard and promised to follow through on Mr. Anfinson's concerns. Mr. Simpson agreed with Mr. Pylelo's assessment. Commissioner Rorholm suggested maybe Anfinson was referring to some kind of access control point to subdivision developments. A citizen asked it be repeated for clarity to the audience which Mr. Simpson did. Mr. Simpson also stated possibly they were talking about processes of reviewing...quality development that don't create more problems for everybody immediately and on into the future.

Mr. Pylelo iterated for the public "the question was the impact of the current use of driveway permits... a procedure through the County Engineer's office of Secondary Roads. Basically (Secondary Roads) is looking for visibility and minimal site distances as low as 200-300 feet between drives. You could squeeze a whole lot of drives every 200-300 feet. I think we're talking about something a whole lot more stringent here." Pylelo agreed with Anfinson that the drives would still require culverts.

- *(Mr. Gard continues: pg. 22 – Public Safety Goal - 9.2) "Clean and regulate nuisances and poorly maintained properties. This includes the continued efforts to regulate... residences/farm yards..." Mr. Gard believes that farm yards and farm equipment should be exempt from such a regulation. If it is exempt, it should not be listed under junkyard ordinances.*

Mr. Simpson said it was not exempt from the county saying they have a policy of trying to clean things up. He also clarified that what he was there to discuss was not ordinances, which have not been written yet, but policy statements that the ordinances would be based on. Simpson thought the policy did not have as much to do with farm equipment that is obviously being used regularly as it did accumulations of junk and salvage that was obviously no longer being used, buildings that were falling down and becoming eyesores and safety hazards for neighbors in the county. Simpson promised to review the policy statement for purposes of clarification.

- *A member of the audience stated if someone came onto a farmer's property and was injured by anything on his property, was the farmer liable considering the individual had no right to be on the property in the first place.*

Mr. Simpson conceded it was a good question and worth consideration. He also paraphrased the definition of nuisance as "whatever negatively affects another person's ability to enjoy the use of their property is a nuisance." Mr. Simpson continued, "As I sit on my front porch, I feel that my property is not as valuable or as useful because of what my neighbor is doing or has done with his property; that

may be a nuisance to me. Then when I complain to my local public agency...he has to decide what you are going to do to make everybody happy.”

The gentleman felt that the person who moved there first or the next person to buy it needed to be made aware of those possible consequences. He was referring to something such as a dilapidated building.

Mr. Pylelo explained that current ordinances in Woodbury County did not provide for citing someone because they have a building that is dilapidated. It is not interpreted as being a public safety hazard. It may arguably be “sitting across the road and be considered a public nuisance because it doesn’t look good, but there are plenty of other issues of more dire concern and I can’t get to this one and might just let it go.” Mr. Pylelo recommended that nuisance ordinances be stand-alone ordinances outside of the zoning ordinances that would be adopted separately by the Board of Supervisors and they could decide who would enforce it. “If it is my office, so be it; if it’s the sheriff’s division, so be it. Typically when you get a nuisance issue, the sheriff’s office is involved in some way either on the enforcement side or citing by ticket...but what we heard in all the town meetings was that you want less ordinances, you want less rules, (*members in audience declaring “right, right”*) and you can get into this huge catch-your-tail thing and asking how you are protected from this or that. The way you do it is you make more rules; just what you don’t want. So you’ve got to help us find a way. What are you willing to live with to protect you without feeling, like some people do, you don’t want us to do any of it.”

Mr. Simpson agreed. Mr. Afinson reiterated the issue of making regulations and following through with them. Mr. Pylelo agreed.

- *A gentleman in the audience suggested Mr. Simpson and the Commission get a rough draft of the new ordinances and regulations out for review by the public as soon as possible. He further explained that policies are open for interpretation by each individual reading them, but when the ordinances and regulations are written, they become hard and fast rules that are very limited in their interpretation. He felt they would be easier to critique and give feedback on because it’s more of a yes or no decision.*

Mr. Simpson agreed. He said, “What you saw tonight was not law, but a policy that hopefully will create a background for the law that is going to be created. Until you’ve seen the ordinances that are going to be drafted, you don’t really have anything to chew on.”

- *(pg. 20 – Residential Goal – 5.6) Another gentleman asked to comment on this policy: “Establish separation for proposed residential development in proximity to an established feedlot or livestock confinement operation.” He thought Mr. Simpson might want to include other non-livestock farms that have been established such as grain handling facilities whose dryers can be quite noisy. The Commission might want to discourage developments from forming close to these facilities because of the noise pollution. In other areas of the state they have been forced to*

shut down and not operate in the evenings because of the disturbance of sleeping families living close to them.

- *A woman in the audience asked that there be allowed more options in the new ordinances so that when/if they sold their land, the new owners would be able to use the land for the same purposes for which it had been developed. She felt the ordinances drawn up in the 2003 plan were too much like blanket ordinances that shouldn't have been made to apply to everyone alike.*

Mr. Simpson assured her that the last zoning map was a mistake and, while he admitted there may be some mistakes in his plan as well, that was one mistake he would not be making.

- *Another woman asked for Mr. Simpson's definition of "Grandfathered in." If there were a change in an ordinance, did that mean that change stays with the property or with the person who owns the property?*

Mr. Simpson explained that "the zoning goes with the land, not with the ownership, so when land is sold, the zoning classification stays the same and the rules stay the same until you cease to operate what was a legal use at the time that the new regulation was published. If there is a legal, non-conforming use, you are allowed to continue it. There are provisions in some ordinances...for amortizing non-conforming uses over a period of time, but that can be quite a process and I haven't heard anybody talking about wanting to do that."

- *(pg. 19 – Agricultural Goal – 3.6) Whereas the policy says "To the extent that the State of Iowa grants authority to the counties, location of feedlots and livestock confinements in close proximity to existing residential development will be discouraged," Mr. Gard asked that the reverse also be stated.*

Mr. Simpson repeated that policy 5.6 was designed to do just that.

- *Susan Wollerson interpreted that policy as being backward. If her farm were agriculturally zoned, then she is where she is supposed to be. If a city person moves out to an agriculturally zoned area and does not like the smells or conditions of the farming areas around them, then they are the ones who should not be there.*

Mr. Simpson explained that the state of Iowa will regulate the location of larger scale feeding facilities. The facilities that fall below their threshold of review would still be allowed as exempt agricultural uses, and it's up to the feedlot owner to determine whether or not he is comfortable with what kind of neighbor he is to the people who live in the house next door to where his feedlot is. Mr. Pylelo said from day one it has been a theme in Woodbury County to protect Ag ground. He said "We recognize we're an Ag based county and we need to protect agriculture, and I believe when we draft these ordinances, we're going to do our darnedest to do that and where we don't, we have a mechanism in place where you're going to tell us we didn't do it. So don't quit tonight; don't think

your job is over tonight. You have got to keep your thumbs on us. We're going to try to do this right this time. But we still need your help.

Chairman Groves said, "Don't favor residential development. Stick with the county and the farmers.

Mr. Simpson added, "And this would be easier, frankly, if we could just say there won't be anymore residential development. But I don't think that's going to fly. There are too many people who want to move out into the country, there's plenty at stake, and it is a business."

"But then, they'll have to just put up with what the farmer's are doing," said Mrs. Wolleson. "If they're kept up at night because someone is drying their bin, it's tough luck."

- *A gentleman asked how the county "qualify between a farmer and an industrial person who has another job someplace else." There are farmers who also have jobs in town to compensate for the income that isn't coming in from their farms.*

The Commission acknowledged that was a tough question. Mr. Pylelo stated that the question cuts right to the chase. He explained that since 1971 the county had a "principle income test." Farmers would come in for a building permit, expect to be farm exempt and would be allowed to put structures right up to their fence lines and all the other benefits, but what proves they are farmers and should be exempt above all else? Having to ask to prove their income is rarely well received. Mr. Pylelo wants to find a way to change that but it is very difficult. It is still under discussion with Mr. Simpson and the Commission. Other options have been how the land is being used and the amount of land being used agriculturally.

- *Tom Bride thought "the easiest and safest way (to determine if one is Ag exempt) would be to abide by state law because any case that doesn't abide by state law goes to the state supreme court... and it strictly goes to use, (regardless of the size). Mr. Pylelo commented that if that was the easiest, you have to wonder why most counties don't use this method. Mr. Bride repeated if it gets to that level, that is the method that will be used – his argument being; why isn't that means used at the bottom level.*

Mr. Simpson stated there is a reason why people have restrictions regarding where to put their homes and their outbuildings in a residential setting. There are reasons for the setback regulations, for total land coverage and for building height. "To have that be exempt on the basis of it being a farm is a matter of 'that's the way state law reads,' so, yes, it's exempt, but if you grant that exemption to somebody who has a very, very nominal agricultural pursuit, and is basically just living on the land, what's to keep somebody from living on an acre of land and as long as you went out and bought the billygoat to roam in the back yard, you're claiming you're agricultural and exempt from everything. That's the dilemma. How do you get from strawberry plant through the billygoat to the guy who is actually doing row

crop farming or livestock production?”

Mr. Bride commented, “I think the biggest problems that come from developments that take place in the county are, at the time the use of the land changes then they have the farmers. They (the farmers) have to agree to it or they can’t provide them. The development could be as small as 3-5 parcels.”

Mr. Pylelo asked, “What if they carve 2 acres off of a 40 (acre parcel) and wants to put a 60 foot by 40 foot building right up against the lot line and it screws up the visibility down the roadway. Is he allowed to do that? His exemption says he would be. *A man asks, “what is the use of the building?”* Mr. Pylelo replies, “Well, if he is exempt, he can use it for whatever he wants.” *Mr. Bride replies, “If he uses it for a body shop, he can’t be exempt for Ag.”* Mr. Pylelo asks, “What if he has another building back there where he has 60 hogs?” Obviously, then he is exempt.

A man in the audience wanted to revisit Mr. Pylelo’s comment on state law. The gentleman observed that no one has challenged the state laws yet to see what the actual outcomes would be. Mr. Pylelo agreed. Mr. Bride asked if the county created a regulation that survived to the state level, what would the cost be to the county.

Mr. Simpson assured the gentleman they are trying to figure out how to draft a regulation that actually accomplishes the goal of keeping agriculture and farming exempt and things that aren’t agriculture and farming regulated and enforced.

The gentleman explained that he was interested because he has 2 ¼ acres that he lives on that used to be part of a farm that he had a partnership in. He kept the 2 ¼ acres as the settlement in the partnership that broke up. He has lived there for 46 years. He has pastured 2 of the neighbors cows every year on the 2 ¼ acres to keep from mowing the grass. He is concerned that the county will not consider him to be agriculture.

Mr. Pylelo admitted he did not have a satisfactory answer for him.

- *A different gentleman asked if Woodbury County Supervisors had any say when the small towns want to annex the surrounding property and they can’t stop them from taking from their tax base.*

Mr. Simpson’s answer was “no,” the Supervisors did not have a say. He also said that was the same question the Plymouth County Supervisors have been asking for the last 2 months about what has been happening on the north side of Sioux City. The voluntary annexation where the property owner has petitioned to annex to a city is completely a situation where that property owner and that city talking back and forth and going through the legal process. Nobody else has any say in the process.

“He couldn’t incorporate me in at the same time, could he?”

Mr. Simpson replied there was a complicated answer and offered to discuss it with him later.

- *Mr. Gard brought up pg. 17 – Land Use Goal – 1.1, 1.2, and 1.3)*
1.1 – Adopt a land use plan that designates areas for anticipated future population and business growth needs of the County.

1.2 – Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.

1.3 – Encourage development near cities by discouraging leap-frog development outside of municipalities.

Regarding 1.3 he asked what would be done to prevent him from “leap-frog development.”

Mr. Simpson answered the steps involved would be;

- The subdivision review and approval process; the development must be in conformance with the approved plan in that jurisdiction. If it is determined that your development doesn’t conform to the Comprehensive Plan...

(Mr. Gard interjected with...) I have the right to subdivide my properties.

(Mr. Simpson) You do...in conformance with the approved plan in this jurisdiction.

So if I’m right next to another subdevelopment, then I can’t...

The strict interpretation of that would say, yeah, that’s true.

And that’s what Planning & Zoning wants. They’re going to make everybody come...

I think ... you just raised the issue and it will have to be determined whether that’s what we want to do or not. I’ll stand behind the idea of the statement. Rather than have developments 2 and 3 miles out from a city, and a big gap between them, shouldn’t it make sense that the development proceeds out from the populated area rather than the...

Not to me.

...well, this lady up here is concerned about the people coming out from town and building their little hacienda right next to where she might want to do something agricultural. The more you can concentrate that development

closer to the city, the less there is going to be an intrusion into the ag land out in the country.

- *Mr. Bride pointed out that Mrs. Wolleson's remarks were supported by policy number 5.11 (on pg 20 under Residential Goal) which states; Promote awareness of the realities of living in rural residential areas located near agricultural production areas including the dust, the use of fertilizers, herbicides and pesticides, as well as animal noises and smells.*

Mr. Bride thought this policy is a good idea and every home that gets build in the county needs to have that awareness.

Mr. Simpson pointed out there is information on the county's website that instructs urban folks intending to move into the country on what to realistically expect. Other counties have handouts on their counters that they give to those who come in for a building permit. Woodbury County Planning and Zoning has a publication called Guidelines For Country Living they give to urban folks moving out into the country that reviews every conceivable issue there could be regarding how their lifestyle will change living in the country.

- *Mrs. Wolleson said they had 5 1/2 acres and a 55' X 75' barn and they are zoned Ag. She asked if her zoning were changed from Ag would there be building size requirements they would have to meet. Her question was, if you have a building in a nonconforming position on your parcel, would you be allowed to keep it if the land it was on was rezoned. Also, if it burned down, would you be able to replace it.*

Mr. Pylelo explained wherever any structures were on the land, if the zoning changed they would be grandfathered in. If any nonconforming structure were destroyed more than 60%, under the current zoning ordinances she would have an issue. Even though it does not seem to be fair, if that structure didn't fit existing zoning, he would not be able to issue a building permit for a similar structure; unless he were to have his situation reviewed and approved by the Board of Adjustment.

Mr. Bride asked if it were correct that potentially the land would be useless if denied by the Board of Adjustment.

Mr. Simpson agreed that it would be a hardship to have a piece of ground that had always been smaller than the zoning district it's in.

Mrs. Wolleson wondered if she would need a larger parcel if they would not zone it Ag at its present size.

Mr. Pylelo said, "Size has nothing to do with whether you're Ag or not; it's how you actually use the ground. Mr. Simpson added there is an agriculture zone that is called that, but if you are practicing agriculture, if you are farming, you are exempt

from zoning regardless of what the zoning district is.

A gentleman in the back brought up a question about how insurance companies deal with nonconforming situations when the county will not allow you to rebuild in the same location. His understanding was they want you to rebuild in the same location.

Mr. Pylelo assured him the Board of Adjustment has evaluated hardship issues respectfully and prudently, and usually have worked most of the issues out. It was entirely possible this situation would be considered a hardship issue.

- *A gentleman noted that on the cover of the Plan that he received, it said the Plan was for the next 20 years. He asked what would happen if things changed and he and others no longer liked the plan 6 years from now or one week from now. He asked if the Supervisors voted and accepted the policies as is, did that mean the policies were accepted as is for the next 20 years?*

Mr. Pylelo explained that the policies were in there to allow them to draft ordinances. They might last for 50 years or they might last a year. Even though the ordinances that are currently being used were adopted in the 1970s, they have been revised and amended many, many times.

Mr. Simpson said the Plan says that it is for the next 20-25 years, but we should update that plan every 5 or 10 years at the most. The fact that we have gone from the 1970s to 2003 without formally updating the county's plan was not the way it was supposed to be. The 1970s plan probably had a year 1990-2000 year horizon. It should have been updated every 5-10 years to bring the new data that has been going on into the thought process so that you are always looking ahead to the next 20 years when you do that process in a much more frequent basis.

An unidentified man stated the lesson that had been learned when they went through the process in 2002-2003 was that we didn't need to hire a large Nebraska firm to do our work when we can turn around and have someone who lives right here in the county do the job for us. He wanted to be reassured that Mr. Simpson would be available again in 5 years for an update.

- *A woman in the back asked about the status of a revised zoning map.*

Mr. Simpson said nothing had been done with a zoning map yet, but based on the new policies, the zoning districts would be revised as well as the new zoning map. The map that was shown in the presentation was a future land use map and should not be mistaken for the new zoning map. The map was intended to show the way things might look 20 years from now, but nothing was even intended to be set in stone at all.

Mr. Pylelo commented that on the new zoning map they will find significantly less zoning districts other than agricultural based. You will see a much smaller area that is not Ag.

Mr. Simpson added even the areas that he has shown in the yellow strips along the paved roadways, if that were to be fully developed at moderate density residential development, it would be enough space for probably about 20,000 additional people to live there. Looking at the population trends for Woodbury County, that's a lifetime's worth, not 20 years worth.

- *A gentleman stated he was inside the 2 mile radius. His question was, do the counties and city work together or do the cities tell you what they are going to do? If somebody wants to annex their property at that time, and the person doesn't want to get annexed, but there are enough people who want to annex around him, then does that person have to go in? If that were true, what were the percentages around that.*

Mr. Simpson said that was potentially true. It pertained to the 80-20 rule. If 80% of the property by area volunteers for annexation, they (the city) can bring in another 20% to smooth out the boundaries and avoid having islands. It's kind of nebulous and the City Board has to approve it. The process is there where 20% of the people in a voluntary annexation might be kicking and screaming on their way to a voluntary annexation.

Chairman Groves asked the audience if there were any changes anyone present recommended or did they want to send it on to the Supervisors; did they want to vote on it...

This Plan was brought to them tonight to decide if the overall Plan was ready to move on to the next step.

Mr. Marx stepped up to clarify. He called the attention to those present that this was just a "Vision," and if the group was comfortable with this vision, then the Zoning Commission could recommend that it go to the Board of Supervisors to adopt this vision. There are no rules here. It is just a vision. And once we get this vision adopted, then Planning and Zoning can start writing rules about all these concerns that all of you and I have. Then, when we have these meetings, we'll have a vision that can tell us, "Yes, we are going to write that rule," or "No, we're not going to."

Mrs. Wolleson reminded the Commission there were a couple of word revisions.

Mr. Simpson said he had taken notes on that and would be able to make those few changes before it was presented to the Board.

It was decided between Commissioner Marx, Mr. Pylelo, Mr. Simpson and Chairman Groves if there were any other questions, comments or items the public wanted to discuss, they should be brought to the public Board of Supervisors meeting at the time the Plan is presented to the Supervisors.

Mrs. Wolleson clarified with Mr. Pylelo and Mr. Simpson other details regarding the new

zoning Plan. Another gentleman asked Mr. Pylelo if the new map will divide by ownership, by 40 acre parcel, and if they had any feelings about that at this point.

Mr. Simpson said he intended to do a zoning map parcel by parcel, regardless of who owned it. Simpson said it was easiest with the mapping systems we have to divide parcels.

Mr. Marx made a motion the Commission adopt this vision (aka the 2005 Comprehensive Development Plan) with the improvements that were discussed tonight and duly noted in the record, and turn it over to the Board of Supervisors for their approval or disapproval. Mr. Rorholm seconded the motion; motion carried.

Mr. Rorholm made a motion to adjourn; seconded by Mr. Marx; motion carried.

Meeting adjourned 9:32 PM