

Minutes – Special Meeting of Woodbury County Zoning Commission December 21, 2005

The meeting convened on the 21st of December, 2005 at 6:20 PM in the conference room of the Planning and Zoning office on the 6th floor of the Court House, Sioux City, Iowa. Present were the following Commission members – Chairman Don Groves, Dwight Rorholm, Arvin Nelson and Grady Marx; Absent – Commissioner Larry Tobin; Zoning Staff Present: John Pylelo. Riley Simpson, consultant for Flat Earth Planning, was also present.

The approval of the previous Commission meeting’s minutes of December 15, 2005 was tabled until next meeting.

The next agenda item was the work session and discussions of the new and revised zoning ordinances.

Chairman Groves reminded the commission members the definition of agriculture was being discussed at the end of the last meeting. Mr. Simpson distributed updated versions of the ordinances including topics discussed on December 15 to the commissioners. Mr. Groves initiated moving forward with the discussion on AG (agricultural) districts. Mr. Simpson said the commission specifically had been discussing lot area sizes.

- (minimum) two (2) acres per dwelling. Three (3) acre lots were also discussed, but there are many 2 acre lots that already set the standard.
- No more than two (2) dwellings per quarter quarter section or nominally 40 acres
- 20 acres for other uses. These “other uses” were not adequately discussed, but Simpson included them because reference had been made to them in the 2003 ordinance; i.e. “other uses” could feasibly include churches, animal husbandry.
- Mr. Rorholm reminded the commission they discussed two (2) splits being made in a quarter quarter section with one (1) of the splits being possibly 2 acres and a third (3rd) split being a minimum of twenty (20) acres. Any further splits would constitute a “full-blown subdivision.”

Mr. Nelson asked if it was the intention of the commission to stop development on agricultural ground. Mr. Rorholm said it was a goal in this comprehensive plan to “preserve any (AG) agriculture ground.” Mr. Nelson asked for clarification of the term “preserve.” Mr. Rorholm’s explanation was to “not turn it into two acre developments,” or to “discourage subdivision and discourage splitting” like what has been going on in the county.

Mr. Nelson asked if that wasn’t discouraging growth in the county, and if not, where do you draw the line. Mr. Rorholm said he did not think having subdivisions in AG districts had anything to do with growth. Mr. Nelson asked where you draw the line between growth

desired and growth discouraged. Mr. Rorholm said the new plan delineates this issue. No example was given.

Mr. Nelson asked if the purpose of the commission was to control the growth of subdivisions lining the roads or should the city step up and discourage the growth of rural subdivisions in deference to the growth of the city. Mr. Rorholm stated the city would have input if building was going on within a two (2) miles of the city. Mr. Pylelo commented maybe parcels that are in certain locations (i.e. very close to city limits or surrounded by areas within city limits) should be zoned something other than AG. Mr. Nelson commented he thought any 2 acre lot should be zoned Residential rather than AG. He went on to say any 2 or 3 acre lot that is approved should be a residential lot, and not AG related. Past arguments were whether every 2 acre lot should be allowed horses, goats, or other farm animals because they are classified AG. Mr. Rorholm and Mr. Groves noted the new plan will not prevent, but severely discourage dense development along the frontage of the county roads. Mr. Groves pointed out Mr. Simpson's plan was that development should occur along already existing paved roads in the county, not along the gravel roads.

The possibility of private roads for subdivisions was also discussed. Roads necessary to service subdivisions included paved and gravel roads. Also discussed were roads, private or otherwise, created including required grading plans, widths, ditches, etc. suitable to be finished as paved roads in the future if needed. Mr. Nelson asked Rorholm if there were regulations dictating number of entrances on a road per quarter section, mile, etc. Rorholm said there was no access criteria or control in the county other than possibly sight distance. Mr. Pylelo said there was separation distance minimum that was dependent upon visibility.

Mr. Nelson opened a discussion regarding having a few horses, goats, or other miscellaneous farm animals on a parcel that is not necessarily AG exempt. His concern was there be provisions whereby property owners are confident of their right to have these animals on their property. A discussion ensued regarding how land should be developed to accommodate these activities. Mr. Nelson said the regulations would be written to tell the landowner how to develop his land. Mr. Simpson said that was what zoning was all about; "zoning subdivision regulations are to tell people how to develop their land so you end up with rational growth and growth that you can actually afford to maintain." A lengthy discussion followed about landlocked parcels, easements and access roads leading the commission to creative concepts of subdivision designs. No conclusion was reached regarding lot sizes to accommodate farm animals.

The commission discussed attractive housing on unattractive lots, attractive lots with unattractive track housing, and what constitutes adequate septic systems for smaller, 1 and 2 acre lots. Mr. Simpson led a discussion on several other subdivision designs consisting of a variety of lot sizes requiring wells and septic systems ranging from communal to individual systems. Mr. Groves related situations whereby perk tests were done and a licensed engineer had signed off on lots of less than 2 acres.

Mr. Marx talked about the amount of taxable revenue that could be derived from "high-classed rural living," or homes from \$125,000 and up on lots of 10 acres or more. Mr. Rorholm pointed out the covenants would have to specify the requirements that would guarantee the

revenue. Rorholm believes the developer should be the one to determine what a subdivision should be made up of and what the covenants should say.

Mr. Nelson said he did not consider lots of approximately 6 acres “AG land” although he farms parcels of that size. To Nelson, AG land is more like 40 acres or more. Mr. Rorholm agreed. Mr. Nelson said someone would be farming the smaller acres left in a subdivision until someone buys and develops it. He does not believe this fits into the concept of “preserving AG land.” Mr. Pylelo said once someone buys a piece of land that converts AG land into a subdivision, the owners could appear before the commission to see about having the area rezoned to something like RF, or Residential Farming. Mr. Rorholm pointed out after this was done “the price to pay is heavy.” In order to develop this quarter quarter, they would have to make a commitment to show a grading plan, they may be required to grade it, the lots would have to be staked, they would have to put a road in and everything else that is required. Mr. Pylelo stated 95 out of 100 would go away. Mr. Rorholm said more often than not, all they may want is the one split that they could give to one of their children and they would be happy to leave the rest alone and zoned AG.

Mr. Simpson offered a solution for allowing some farming or raising of animals on smaller lots: In the RF zone the only way agriculture is permitted use is to discuss waiving their AG exemption and during the process of approving the subdivision you can negotiate and do a partial waiver. They waive their right to have some level of agriculture above what won’t work on lots this size; so you basically retain your right to an exemption to raise asparagus and have turkeys and 12 whatever. They don’t have the right to turn the whole back lot into something that is too intense for that area.

Mr. Simpson said one of the things that has come out of this whole process is you can’t pass a zoning ordinance that says you can’t have agriculture – not in the county. You can have one that doesn’t have it as one of your principle permitted uses; that doesn’t specifically list agriculture as a permitted use. Unless that person has waived their right to the farm in the state of Iowa, you’ve got to let him farm.

Mr. Rorholm wanted to know what the specific requirements were going to be for the zoning district AG. He said while the commission may be going through the different zones, nothing was getting settled. Mr. Nelson felt they had settle a lot just by saying you can have Rural Residential and you can still do AG. They cannot say you can’t do AG.

Mr. Rorholm pressed for the definitive explanation of what AG was for the Plan:

Proposed AG Ordinance:

- **Two (2) acres minimum for single family dwellings. Not more than two (2) dwellings per quarter quarter section. (40 acres nominally)**

Allowed Uses:

- **Churches**
- **Single family dwellings**
- **AG**

- **Roadside stands selling products produced on premises**
- **Railroads and public thoroughfares**
- **Public Utility use**
- **Public facilities (fire protection, fleet protection, fairgrounds and libraries)**
- **Scratch “Farm Services” and insert in a commercial area**
- **(Everything else down to...)**
- **Forestry**

Conditional Use:

- **Mr. Pylelo brought up issues related to having breeding, raising, boarding and training kennels for small domestic animals in the county. He felt operations such as this should be moved to a CG area. Pylelo would also like to see the definition revised to allow a number of animals before it is considered a kennel. However, they opted to leave it as is as an opportunity to monitor how large the facility is and whether they will need to go to the board for a conditional use permit.**
- **Public Installation**
- **Sanitary Sewer facilities**
- **Telecommunication towers**
- **Public recreational facilities**
- **Cemeteries**
- **Veterinaries**
- **Commercial rent facilities**
- **Wind energy**
- **Fuel alcohol production**
- **Mining and extractions**
- **AG enterprises and land development**
- **Schools, churches, hospitals**
- **Greenhouses**
- **Noncommercial swimming pools, country clubs, golf courses, riding stables**

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

Meeting adjourned 9 PM