

## **Minutes of Woodbury County Zoning Commission August 27, 2007**

The meeting convened on the 27th of August, 2007 at 6:04 PM in the Board of Supervisor's meeting room on the first floor of the court house, Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, Dwight Rorholm, Christine Zellmer Zant, David McWilliams, and Arvin Nelson; Zoning Staff Present: John Pylelo and Peggy Napier. Riley Simpson, consultant for Flat Earth Planning, Steve Flewelling, Jim Redmond, Phil Ellis, Tom Bride, Ken Gard, Chas A. Johnson, Donna Popp, Nadine Ellis, and Ken Rohmiller were present from the public.

**The first agenda item was approval of the Zoning Commission minutes of July 23, 2007.**

*Mr. Rorholm made a motion to approve the July 23rd, 2007 minutes; Mr. Nelson seconded.*

*Discussion: Mr. Rorholm noticed on the agenda the first agenda item was to approve the minutes of the "August 14<sup>th</sup>" meeting. Since the August 14<sup>th</sup> meeting had been canceled, the minutes needing approval were from the July 23<sup>rd</sup> meeting. Rorholm amended the motion to reflect this correction.*

*Chairman Marx asked the fifth (5<sup>th</sup>) paragraph on page 6 reflect additional dialogue. Mr. Pylelo said that portion of the minutes would be amended.*

*Mr. Rorholm made a motion to approve the minutes subject to the above changes. Mr. McWilliams seconded the motion; Motion carried.*

**The second agenda item was the continuation of the Public Hearing re: Consideration of the Preliminary Plats and Recommendation to Board of Supervisors for Bailey's Replat of Lot 1 and Part of Lot 2 Ridgeview II Addition – Parcel GIS # 8945 31 200 001.**

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owners Scott G. and Kay E. Semple. The applicants have applied to replat existing Lot 1 and a Portion of Lot 2 consisting of 7.0 acres into two (2) lots. The applicants currently live in the single family dwelling located on existing Lot 1 and wish to develop the southern portion of the lot for a future single family dwelling residential development. The applicants are considering a dual drive location at the 150<sup>th</sup> St. roadway right of way.

The original Ridgeview II Addition was developed by Stanley D. Shoop and approved in 1980. Lot 2 lying to the East was later replated with a portion of the former lot 2 being combined with the current Lot 1.

The parcel is located in the NW ¼ of NE ¼ of Section 31, Banner Township abutting the south side of County maintained graveled roadway known as 150<sup>th</sup> St. The subdivision's location lies approximately 1/2 miles west of the intersection of 150<sup>th</sup> St. and Eastland Avenue. The location is approximately ¾ mile northwest of Lawton and the subdivision may require Lawton City Council approval.

The property's location is zoned AG (Agricultural), the current and intended uses are permitted with no portion of the proposed replat lying within any flood hazard area. The average crop suitability rating for the parcel is 43.0. No paving agreement will be required as a condition for subdivision approval.

Notification was sent to the nine (9) property owners within 1000' of the proposed subdivision's parcel. To date no responses have been received.

*(An onsite visit was made since this dialogue was produced and digital pictures were taken that were viewed and discussed at this meeting.)*

Notices were also sent to each of the following Agencies or Institutions with responses noted.

City of Lawton: No Response received

NRCS: No Response received

County Engineer: No Response received

DNR: Standard NPDES permit #2 correspondence dated August 8, 2007 was received and forwarded to the applicant

Western Iowa Telephone: No Response received

Mid American Energy: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: No Response received

Board of Supervisors: No Response received

Engineer: No Response received

*(After packets were mailed the Planning and Zoning Office received an e-mail from the County Engineer, Richard Storm, relative to any issues he wished to address:*

*"I do not have any problem with the 25 foot bridge for access. I notice that 80 feet of that access would be used for access for Lot 1. You were right that it may end up*

*looking like a dual driveway, yet we don't have an issue with what is being proposed."*

This was the end of Mr. Pylelo's comments. The Commission proceeded to viewing the pictures taken.

The Planning and Zoning Office makes the following comments:

- A different Lot labeling system may wish to be explored to avoid confusion in lot references. Lot 1 has had its boundaries changed by adding property to it. Mr. Pylelo's suggestion is to disregard what had been done historically and proceed from how it appears now. For example the proposed lots might be labeled Lot 1-A and Lot 1-B. A Lot 2 already exists.
- Mr. Pylelo discussed a "dual driveway" in which each owner owns half of driveway. It will in essence be a double or extra-wide road.
- Lawton's waiver of review; or alternatively the City's approval should be a condition of County approval within your recommendation.

**Mr. Rorholm made a motion to approve the Replat of Lot 1 and Part of Lot 2 Ridgeview Addition subject to the following conditions:**

- **The renaming of the Lots be reflected on the Final Plat.**
- **A recorded permanent 80' easement from Lot 1B to Lot 1A appear on the final plat.**

**Mr. McWilliams seconded the motion; motion approved 4-0.**

**The fourth agenda item was any citizen wishing to be heard before the Commission:**

**Steve Flewelling:** Mr. Flewelling owns property in sections 32,33, and 34 in Concord Township abutting the North and South sides of Hwy 20. It has been zoned ML (light industrial) for over 35 years with no industrial building, expansion or use taking place on any part of these acres and, after questions and discussion between Flewelling and the commission, no noted plans or intent for use as such. Mr. Flewelling submitted a letter to the commission from his attorney, Robert W. Green, stating Flewelling's wish to continue zoning on these acres as ML or light industrial. Mr. Green stated anything other than light industrial would be viewed as "...a partial taking of the property of Flewelling Farms to which they sternly object."

*(Mr. Green's letter to the commission is attached as "Exhibit A.")*

Several citizens present commented on Loess Hills use and/or intent for use:

Jim Redmond: member of Loess Hills Alliance and assisted with development of portion of 2003 Comprehensive Plan that related to the Loess Hills.

- Distributed a handout of sample language for Loess Hills treatment from the comprehensive plans of several counties outside of Woodbury for consideration by the commission.  
(Handout included at “Exhibit B.”)

Phil Ellis: Rural county landowner who has built his home on 2 acres of pasture land.

- Ellis feels he acts voluntarily as a good land steward.
- Ellis doesn’t feel all Loess land needs to be used as parks, recreational facilities or scenic byways.

Tom Bride: Rural landowner and farmer.

- McBride owns 180 acres of Loess ground he believes is actually “farm ground” and wants to be trusted to be a good land steward.
- McBride believes the overlay for the Loess Hill presented in the previous development plan was actually counterproductive to what the Loess Hills Alliance wanted for the land.

Nadine Ellis: Rural landowner.

- Mrs. Ellis stated “People are more important than frogs (*nature*).” (Landowners) “shouldn’t have to get someone’s permission to cut a tree.” Mrs. Ellis feels land interest groups have no right to try to tell people who own land what they can do.

Jim Redmond:

- Redmond stated the overlay from the previous plan was not intended to tell land owners what to do.
- His interest was in land that had not been farmed; sensitive areas such as the western slopes and the front range; scenic values, prairies, cat steps, unique areas, pristine native areas of the land.
- Redmond was interested in preservation of what still exists, not a reimplementation of the previous overlay.

Ken Gard: Rural landowner

- Mr. Gard stated there is an abundance of Federal and State programs available to those who are interested in preserving this land to purchase and do with as they wish.
- Gard believes County Zoning should not be involved in providing overlays to protect Loess land.
- Gard stated if the land is annexed by the city, they do whatever they want with the Loess land regardless of special concern groups.

Tom Bride: member of Loess Hills Alliance and assisted with development of portion of 2003 Comprehensive Plan that related to the Loess Hills.

- Bride suggested a Mission Statement or goal being developed so both interests could work together to accomplish goals while protecting sensitive areas; create a “win-win” situation.

Dr. Charles Johnson: member of Loess Hills Alliance and assisted with development of portion of 2003 Comprehensive Plan that related to the Loess Hills.

- Johnson stated people from landowners to preservationists are interested in protecting the land and would like to appeal to that perspective. It isn't only special interest groups that have an interest in protecting the Loess Hills.

Ken Rohmiller:

- Rohmiller sees himself as a conservationist and found it unusual that it took the Loess Hills interest groups four (4) years to approach the Zoning Commission with their concerns.

Phil Ellis:

- Ellis observed evolution changes everything eventually anyway. The hills *will* change again regardless of efforts to save them.
- Ellis offered he wouldn't impose his will on others with land.

Chairman Marx said to all the Commission appreciated all comments from the participating public.

Chairman Marx asked for a 5 minute recess at 8:35 PM. The commission reconvened at 8:49 PM.

**The third agenda item was a Work Session Re: Woodbury County Zoning/Subdivision Ordinances and Zoning District Mapping.**

Mr. Simpson facilitated review of changes/corrections made in ordinances. Mr. Ken Gard and Mr. Tom Bride contributed input and discussion in areas of "*farm exemption.*"

A discussion ensued regarding comment from townhall meeting of board/commission member's qualifications. Several observations were noted regarding members consist only of rural landowners/farmers:

- Time schedules surrounding farming obligations and distances from location of meetings make it harder to fill open positions.
- Ms. Zellmer Zant stated member diversity is important. Not all county employees (i.e. County Engineer, Secondary Road employees, members of DNR and other county positions) live in the country or farm, but have valuable input regarding county concerns.
- It was suggested the safest position would be to follow state code.

It was brought to the attention of the Commission the current development plan (commonly known as the “Red Book”) ordinances need to be followed in the adoption process of the new ordinances. This needed to be researched as soon as possible.

A short discussion ensued regarding Ex-parte communication, especially in regard to members of the Board of Adjustment since they are a quasi-judicial group. Examples were discussed.

***Mr. Rorholm made a motion to adjourn; seconded by; Mr. McWilliams; approved.***

Meeting adjourned 9:05 PM

Next meeting on Wednesday, September 12<sup>th</sup> at 5:30 PM.