

Minutes of Woodbury County Zoning Commission October 22, 2007

The meeting convened on the 22nd of October, 2007 at 6:04 PM in the Board of Supervisor's meeting room on the first floor of the Woodbury County Courthouse, Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, Dwight Rorholm, Arvin Nelson, and David McWilliams. Christine Zellmer Zant notified Planning and Zoning she would not be at this meeting and was not in attendance. Present from the zoning staff: John Pylelo and Peggy Napier. Consultant Riley Simpson was also present. Present from the public were Lane Danielzuk (Sgt. Bluff City Administrator), Alan Ivener, Kent M. Ivener, Chuck Cipperley (Siouxland District Health), Jay Munson, Richard Storm (County Engineer), Kevin Alexander, Mark Monson (County Supervisor), and Jack Burright.

The first agenda item was approval of the Zoning Commission minutes of October 09, 2007.

Ms. Nelson made a motion to approve the October 9th, 2007 minutes; Mr. McWilliams seconded the motion; Motion carried 3-0

The second agenda item the Public Hearing and consideration of preliminary plat for Framax Acres Addition subdivision; GIS Parcel numbers 8747 05 200 001;...002; ...006 and ...007.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from Brian Lee Ivener and Alan Ivener, Trustees of the Max Ivener and Francys B. Ivener Family Trust. The proposed site is located in the NE ¼ of Section 5, Liberty Township.

The site lies approximately 0.75 miles East of Sergeant Bluff on the South side of seal coated 220th St. between paved Old Lakeport Rd. to the West and graveled Barker Avenue to the East. The location is known as GIS Parcels # 8847 05 200 001; 8847 05 200 002; 8847 05 200 006; 8847 05 200 007. The applicants intend to subdivide approximately 102 acres of which 48 acres will be residentially developed into 21 lots. Access to 21 lots will be primarily from dual driveway locations along three County maintained roadways.

The developer's intentions are for a 54.89 acre Outlot to remain in agricultural production. However the Outlot does have potential for future residential development. Access to the Outlot will be from 60' access roads from the south side of 220th and the east side of Old Lakeport Road. There are no existing structures with the exception of 2 metal and 1 concrete grain storage bins upon Lot 15. The average crop suitability rating for the 102 acres is 63.0.

Pursuant to the County's paving policy subdivision approval is to be conditioned upon a recorded paving agreement for all Lots fronting 220th St. (seal coated) and Barker Avenue (graveled).

This location is zoned AG (Agricultural), no portion of the property lies within a flood hazard area and the proposed uses are permitted within this zoning district. The location is not within any drainage district but is bordered by the Farmers Drainage District to the north and west. All proposed lot sizes meet the required 2 net acre area minimums.

As the location is within two (2) miles of the city of Sergeant Bluff the subdivision may require Sergeant Bluff's City Council approval. We anticipate the City of Sergeant Bluff will exercise its right of extraterritorial review.

The 60 property owners within 1000' have been notified of the required public hearing.

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

City Clerk of Sergeant Bluff: The Office of Planning and Zoning has received notification the City of Sergeant Bluff will be reviewing this subdivision. A meeting was held with their staff for October 16, 2007. A representative for Sergeant Bluff is in attendance. A copy of the minutes from Sergeant Bluff's joint City Council and Zoning Commission of October 16, 2007 has been provided to the County's Zoning Commission.

NRCS: No response received

County Engineer: No response received

DNR: Standard NPDES Permit #2 correspondence was received and forwarded to the applicant. There was also communication with Brian Jergenson relative to a petroleum plume originating south of the parcel and impacting proposed Lot 1. Correspondence from the DNR on both issues has been provided the Zoning Commission.

Long Lines: No response received

Mid American Energy: No response received

Siouxland District Health Department: Due to the subdivision's location, Siouxland District Health has indicated they will be performing an onsite visit and will be making comment. A representative of Siouxland District health is in attendance to provide comment upon well, septic and petroleum contamination issues.

County Assessor: No response received

Emergency Services: No response received

Real Estate Department: Has indicated subdivision name is available for use.

Board of Supervisors: Supervisors have indicated drainage and septic issues are to be resolved to their satisfaction.

Northwestern Bell Telephone Company n/k/a US West Communications, Inc.: No response received

Iowa Public Service Company n/k/a MidAmerican Energy Company: No response received

AT&T Communications of the Midwest, inc. n/k/a AT&T Communications, Inc.: No response received

Liberty Township Trustees – Attn Barb Parker, Clerk: No response received

Jack Virtue PE, Farmers Drainage District Engineer: *The subdivision is not within this drainage district but the district was contacted due to the fact the district borders this subdivision to the north and east. On October 22nd a telephone conversation was held with Mr. Virtue and he advises the following:*

- No water should leave the parcel
- Lowest point of lowest floor of any structure should be no lower than an elevation of 1082’.

Sergeant Bluff Drainage District: *The subdivision is not within this drainage district but the district was contacted due to the fact they are a property owner within 1000’:* The Sergeant Bluff Drainage District is administered by the City of Sergeant Bluff. A representative of Sergeant Bluff is in attendance tonight.

This location within Woodbury County has significant residential development. The following subdivisions lie within 1000’ of the proposed site. We have attempted to note unusual circumstances, requirements, conditions and restrictions within each of these nearby subdivisions.

South Point Addition to the West – 4 lots. File indicates the high water table and drainage have been topics of considerable concern.

Pioneer Valley Addition to the Northwest - 25 lots with subsequent splits on selected lots. The Planning and Zoning office file is flagged with the following note: “*See Protective Restrictions.*” Review of the restrictions shows finished grade elevation restriction: NO finished grade shall be more than two feet above normal ground topography.

Shadeland Country Estates Addition to the North – 23 lots within the Farmers Drainage District. The Planning and Zoning’s office file is flagged with the following note: “*Siouxland District Health Concerns, High water table; entrance restrictions and See Covenants.*” A paving agreement and secondary road assessment district apply to the subdivision. Covenant restrictions/requirements apply as follows: No vehicles may be backed onto 220th St.; Driveways on lots are to be designed and constructed so as to be easy to turn vehicles around on the lots; on certain lots driveway drainage structures are to be designed and constructed to specific standards; On certain lots drainage restrictions apply; Provisions apply to provide additional road right of way easements to Woodbury County should 220th St. be improved; On certain lots the developer is to design and construct vegetation filter strips.

Leatherwood Meadows Addition to the East – 13 lots within the Farmers Drainage District. Subdivision's protective covenants provide for decision making and cost sharing for cleaning public road ditch along east side of Barker Avenue.

This information relating to nearby subdivisions is provided to make your Commission aware of past issues agencies and citizens have raised for this area.

On October 16, 2007 the Board of Supervisors considered the preliminary plats and now forwards the platting to your Commission for public hearing and recommendation.

Discussion:

Mr. Pylelo distributed a packet of addendum materials to members of your Commission. They are part of these minutes by attachment. The documents provided are as follows:

- a.) Letter from City of Sergeant Bluff dated October 5, 2007 making comment.*
- b.) Email for Woodbury County Engineer Richard Storm dated October 19, 2007 making comment.*
- c.) Letter form Iowa Department of Natural Resources dated October 9, 2007 relative to NPDES Permit #2.*
- d.) Letter from Brian Jergensen of the Iowa Department of Natural Resources dated October 11, 2006 relative to contamination at 2240 Highway 75.*
- e.) Letter from Daniel Ruppert of NorthWest Environmental Services, Inc. relative to contamination plume at 2240 Highway 75*
- f.) Proposed covenants for Framax Acres Addition*

The Commission reviewed the plat and addendum materials before addressing members of the public.

Mr. Rorholm asked Mr. Chuck Cipperley to explain his findings on the plume located at 2240 Highway 75, Sergeant Bluff, Iowa, and owned by Mary Donohue, 1426 E. Bell De Mar, Tempe, AZ 85283. Cipperley's findings include the following:

- District Health's regulations state wells can be established no closer than 1000' from the edge of a plume.

- Mr. Dan Ruppert of Northwest Environmental in Alton, Iowa was unable to discover what initiated the monitor wells on the Donohue property.
- Monitor wells are typically checked for two (2) years from placement for contamination intensity and migration.
- Water generally has a Southwesterly flow. DNR will include this in their considerations.
- There has been no confirmation the storage tanks have been removed from the property.
- Chairman Marx suggested moving one of the Outlot access roads to go through Lot 1 and moving Lot 1 up. County Engineer Storm said the surrounding roads were not conducive to having an access road in that location.
- Chairman Marx noted 1000' brought the plume into lot 4 on the preliminary plat.

Proposed Framax Subdivision is within two (2) miles of Sergeant Bluff giving said city Planning and Zoning Commission the right to exercise the extraterritorial planning authority. Mr. Lane Danielzuk (Sergeant Bluff City Administrator) approached your Commission to say the City Council met on October 16th, 2007, to approve Framax Subdivision subject to conditions in October 5, 2007 document (also entered as attachment):

1. (*Framax Subdivision is not located in the Farmers Drainage District.*) Drainage – There is nothing specifically insuring that the water coming from this property is channeled appropriately and that there would not be water retention on the property.
2. Access roads – Right of ways are 60 feet. 70 feet is the City's design standard.
3. Out Lot 22 – another preliminary plat for Out Lot 22 must come before the Sergeant Bluff Planning & Zoning Commission prior to any development occurring.
4. Nothing is set out for future utility easements.
5. Under the bulk requirements, the maximum height of buildings needs to be addressed. (*Regulation is no more than 30' because that is the height limit of ladders on their fire trucks. Although the subdivision would be in the Salix fire response district, Sergeant Bluff would be first response because of close proximity.*)

Mr. Rorholm asked where drainage pipes and culverts were:

- County Engineer Richard Storm explained where culverts were. Commission noted them on plats. Mr. Rorholm commented drainage looked problematic.

- Mr. Danielzuk explained the Subdivision would not be within the Sergeant Bluff Drainage District but farmers did not want their plan altered.
- Mr. Kevin Alexander, citizen living next to proposed subdivision and across the road from Shadeland Country Estates and Leatherwood Meadows, said from Barker Avenue west the water is supposed to move easterly to the ditch. The lack of elevation causes the water to stand or flow in the wrong direction. A pump station would make it flow in the correct direction.

Mr. Rorholm asked about the right-of-ways. Mr. Danielzuk said, contrary to the preliminary plat's 60' right-of-way, Sergeant Bluff's requirements call for 70' right-of-ways. City Planning and Zoning asks the plan accommodate this ordinance.

Mr. Storm said this was not out of line and compared it to the 50' right-of-way in Shadeland Country Estates subdivision.

Mr. Danielzuk speaking for the City Council and joint staff approved the subdivision subject to noted conditions and made a motion to work as closely as possible with County Zoning to make Framax subdivision possible. *(Motion entered into minutes as attachment. Also entered was Sergeant Bluff's Comprehensive Plan map as an attachment to your Commission's minutes.)*

Mr. Jay Munson, surveyor and engineer for the Framax subdivision, explained the Ivener's will not develop Outlot 22 until they see how well the existing lots sell. Mr. Munson also discussed drainage issues including the lack of culverts on Barker Avenue, 220th St. or the east side of Old Lakeport Road. There are also no culverts on the two (2) field entrances.

Chairman Marx commented on his dislike of shared and dual driveways. Mr. Pylelo explained County Engineer Storm requested dual driveways to distance single driveways. There are also two (2) 70' access roads for utilities into Outlot 22 for future development.

Mr. Pylelo commented the seal coated major roads are already heavily traveled and with garbage and utility trucks it may be necessary to implement the paving agreement. Mr. Alexander said in his experience these roads are already a problem and he would be against the new subdivision if the county did not intend to put in paved roads. It was noted Shadeland Country Estates and Leatherwood Meadows both have paving agreements.

Mr. Rorholm commented existing problems with runoff seems to create problems for independent wells and septic systems. Mr. Cipperley said so far he has had no negative feedback from those living in this area as long as they keep the septic systems shallow. Rorholm was also concerned about putting basements in houses in this area.

Mr. Alexander said the only times he has problems is when there is 8-10 inches of rain. The surface water has no place to run and standing water becomes a problem. Alexander said ideally they should be plugged into Sergeant Bluff's drainage system.

Mr. Nelson commented people have built homes successfully on worse land conditions.

Mr. Pylelo brought the commission and Mr. Munson's attention to several mistakes on the preliminary plat:

- In the "Bulk Regulations" the minimum rear yard needs to be changed from 15 feet to 100 feet.
- All lots need to reflect 100' rear setback in building area.
- Misspelling: Change "Long Lines, Tetephone Co." to "Long Lines, Telephone Co."

Mr. Cipperley would like to have percolation testing done on subdivision area. Cipperley stated protocol calls for three (3) tests per lot. However, because of the consistent topography of the proposed subdivision, he felt four (4) test locations might be sufficient throughout the parcel.

Basements were discussed. Grading to increase elevations to accommodate basements was generally felt to be an issue as it would increase the potential for runoff problems.

Mr. Rorholm made a motion the Framax Subdivision Preliminary Plat be approved subject to each of the following conditions:

- ***The width of the two access/ egress locations to Outlot 22 be increased from 60' to 70'.***
- ***Lots 6 through 15 and Outlot 22 provide an additional 17' of roadway right-of-way to Woodbury County so that 50' of right-of-way is available south of 220th Street's centerline.***
- ***A Paving Agreement be executed and recorded for both 220th St and Barker Avenue.***
- ***An applicant's engineer provide an assessment of potable water for this proposed subdivision.***
- ***Soils be tested for percolation. Chuck Cipperley of Siouxland District Health is to select the testing sites and advise the applicant.***
- ***The applicant's Engineer (John "Jay" Munson) assess how runoff will be dealt with and determine what is to be in place for an adequate drainage plan coordinating with the Woodbury County Engineer.***

- *RE: Contamination Plume – Lot 1 will not be built upon until plume issue is resolved:*
 - *No wells within 1000’ of edge of plume*
 - *Lots impacted by 1000’ restriction be identified*
- *Consideration be given to Sergeant Bluff’s requirement for its 30’ building height restriction*
- *A Drainage assessment or plan is requested.*
- *Misspellings in the notes section of the platting and the reference to Shadeland Country Estates Addition subdivision be corrected.*
- *All references to a rear set backs of 15’ be changed to 100’ to comply with ordinances.*
- *The platting shall reflect the location of any known culverts along Old Lakeport Road, 220th St or Barker Avenue. A reasonable attempt is to be made to determine the location of any buried/inoperable culvert locations.*

Discussion ensued between the Commissioners and it was decided that rather than voting on this agenda item tonight this matter be tabled until all items within the proposed motion were researched, performed and available for consideration at a subsequent meeting. The Commission requested these issues be reflected in detail within the minutes and be distributed to the appropriate departments and the applicant. This agenda item will be placed upon the November 26, 2007 meeting agenda. Mr. Pylelo said he would be agreeable to re-publishing providing for continuance of the public hearing at the November meeting. Mr. Rorholm’s motion died due to a lack of a second.

Mr. McWilliams made a motion to table this agenda item; Mr. Rorholm seconded the motion; motion carried 3-0.

The second (third after position changed) agenda item was Any Citizen wishing to be heard before the Commission.

No citizen present wished to be heard.

Mr. McWilliams made a motion for a 5 minute recess. Mr. Rorholm seconded the motion. Chairman Marx recessed and reconvened after 5 minutes.

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

Mr. Simpson facilitated a review and discussion of the new tower ordinances. Several statements proved to be redundant and were removed. Other statements needed rewording. Ordinance was not reviewed in its entirety and will be continued at next meeting.

The fifth agenda item was Iowa Land Preservation Act – General Discussion.

Ms. Zellmer Zant asked this item be added to the agenda at the previous meeting. Since she was not able to attend this meeting, item was tabled until Zellmer Zant is present.

Mr. Rorholm made a motion to adjourn; Mr. McWilliams seconded the motion; motion carried.

Meeting adjourned: 9:20 PM.

Next meeting will be Monday, November 5, 2007 and tentatively November 26 and December 10.