

Minutes - Woodbury County Zoning Commission Meeting January 28, 2013

The meeting convened on the 28th of January, 2013 at 6:00 PM in the Board of Supervisor's meeting room on the first floor of the Court House, Downtown, Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, Christine Zellmer Zant, Tom Bride, Mike Knight and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. From the public were Richard Todd, Kindall Todd, Director of Rural Economic Development Rob Marqusee, Kim Mathers representing CF Industries and County Engineer Mark Nahra.

The first agenda item was election of 2013 Chairperson and Vice-Chairperson.

Grady Marx was elected chairperson by a unanimous vote of 5-5.
Christine Zellmer Zant was elected vice-chairperson by a vote of 4-1.

The next agenda item was appointment of 2013 Siouxland Interstate Metropolitan Planning Council (SIMPCO) Commission Representative.

Chairman Marx reappointed Christine Zellmer Zant SIMPCO Commission Representative.

The next agenda item was approval of Commission Minutes of September 24, 2012.

Ms. Zellmer Zant made a motion to accept the minutes as read. Mr. McWilliams seconded the motion; motion carried 3-0 with Mr. Bride abstaining. He was not part of the commission in 2012.

The next agenda item was Review and Recommendation Re: Liberty Park Urban Renewal Area Pursuant to Iowa Code Section 403.5.

Iowa Code Section 403.5 requires a county's Zoning Commission review the proposed adoption of any urban renewal area determining if the area is consistent and conforms to the County's development plan. The commission then must make written comment to its Board of Supervisors of its findings.

Woodbury County has entered into a development agreement with CF Industries for roadway and right-of-way improvements related to the company's plant expansion within portions of Section 19 of Liberty West Township. A component of the development agreement includes the

county provide certain improvements or benefits to CF which the County wishes to recoup through tax increment financing (TIF). As part of the TIF mechanism an urban renewal area is to be established for an area totaling 458.16 acres.

The location is located 2 miles south of Sioux City's corporate limits and 2.2 miles northwest of Salix corporate limits. The closest public right-of-way is Port Neal Road. Access/egress to the urban renewal area will be provided from a combination of existing public and proposed private roadway. Union Pacific Railroad spur, Northern Natural Gas transmission pipeline and meter building improvements are planned in addition to CF's 1.7 billion dollar plant expansion.

The urban renewal plan applies to a geographic area having a GI (General Industrial) zoning district designation. CF's plant expansion is a conditionally permitted use within this zoning district designation. CF Industries is aware of this permitting requirement but has not as yet made the conditional use permit application. All congruent and nearby parcels have identical GI (General Industrial) zoning district designations.

Project description: CF Industries plant expansion is currently within the design phase. At your meeting we will be providing visual representation of what CF officials represent is similar completed construction.

The following were attached for the commission's review:

1. Site location mapping
2. Aerials indication parcel identification, floodplain, zoning designation

Staff Recommendation:

Staff finds the Liberty Park Urban Renewal Plan conforms to, or is consistent with, the County's 2005 General Development Plan for the following reasons:

The Liberty Park Urban Renewal Plan is consistent and conforms with the County's Vision Statement which states: "*...all people and business prosper, rooted in a diverse, agriculturally-based economy.*"

The Liberty Park Urban Renewal Plan is consistent and conforms to the Development Plan's stated goals in the following areas:

Land Use Goal – In order to minimize conflict with agriculture, which is the principal land use in Woodbury County, guide future growth and development of non-agricultural uses to a compact pattern by efficient and economical expansion of public infrastructure.

Economic Development Goal – In cooperation with other communities, Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy.

Agricultural Goal – Recognize agriculture as a principal economic sector in Woodbury County and the primary economic sector in the rural portion of the county lying outside Sioux City based on the natural resource of fertile, tillable soil to be found in Woodbury County.

Commercial and Industrial Business Goal – Woodbury County shall build upon the strength of agriculture as the most important business in its rural area and shall encourage compatible commercial and industrial business development to develop a diverse, strong economic future in the rural portion of the county.

For the above reasons staff recommends you support finding the proposed Liberty Park Urban Renewal Plan conforms to, or is consistent with, the County’s 2005 General Development Plan and that you authorize your Chairmen to provide the appropriate written report of your findings to the Woodbury County Board of Supervisors.

Mr. Marqusee, Director of Rural Economic Development, explained the county obtained the Rise Grant from the state of Iowa to assist in making the necessary infrastructure improvements for the proposed expansion of CF Industries in Liberty township. The usage of the land stays the same while 260th Street will be reinforced to accommodate heavier equipment. Woodbury County and CF Industries will be working together to expand the intersection off of Port Neal Road to accommodate increased usage.

Marqusee also explained all of the land being used by CF Industries for their expansion is currently owned by CF Industries. Mr. Bride asked how much land CF Industries owned. Marqusee said they owned the land up to Interstate 29 with a substantial buffer from all of the surrounding cities.

Mr. Marqusee commented CF Industries will be selling fertilizer directly to local farmers providing the farmers with immediate savings.

Mr. Marx asked if Sioux City controlled the railroad rights into CF Industries. County Engineer Mark Nahra said there would be a spur off of the railroad leading into CF Industries from the line going through the South Bridge area which Sioux City controls.

Mr. Pylelo was asked how the landowners in the vicinity of CF Industries will be impacted. He explained property owners will provide easements through their property for the pipe line.

Mr. Pylelo showed an aerial map of the proposed expansion area and explained how the new pipe line will be directed from Nebraska, under the Missouri River and maneuvered through the CF Industries land area.

Mr. Marx asked why a CUP (Conditional Use Permit) was required for CF Industries to expand their existing plant (f.k.a. Terra Industries). Pylelo explained this meeting was not a public

hearing, but would show the zoning commission's support for the proposed expansion and noted that *chemical manufacturing* under *Manufacturing and processing* and *chemical and gas bulk storage* under *Warehousing and freight handling* in areas zoned *GI (General Industrial)* require CUPs in the Zoning Ordinance Tables adopted 7/22/2008. This gives the public an opportunity to hear the facts and voice their opinions through the Board of Adjustment when large projects such as CF Industries come into or expand the county.

Discussion:

Mr. McWilliams made a motion that the Zoning Commission support a finding the proposed Liberty Park Urban Renewal Plan conforms to, or is consistent with, the County's 2005 General Development Plan and authorizes Chairmen Marx provide the appropriate written report of the commission's findings to the Woodbury County Board of Supervisors.

Mr. Knight seconded the motion; motion carried 4-0.

The next agenda item was a Public Hearing and Recommendation Re: Brittany's Addition – a Minor Subdivision.

The Woodbury County Office of Planning and Zoning received a subdivision application for Kindall S. Todd of 1762 Charles Ave., Lawton, Iowa. The applicant wishes to split the existing 18.13 acre parcel into two lots in order the existing homestead site can be established upon a smaller 2.22 acre parcel.

No portion of the existing parcel is located within an existing flood hazard designation. Abutting roadway right of way along Charles Ave is a graveled and county maintained roadway. County paving policy will require a Paving Agreement as a condition of subdivision approval.

The property is located in the N ½ of the SW ¼, NW ¼, of Section 7, Floyd Township approximately 2.5 miles east of Sioux City on the east side of Charles Ave. The existing parcel is assigned GIS Parcel #884607100003.

The property is zoned AP (Agricultural Preservation) with the proposed use and residential density permitted within this zoning district. The average CSR for the parcel is 49.30. For your review find attached:

- Location and parcel information
- Pictures of the site
- Final platting
- Topographical platting

The nine (9) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. As of January 24, 2013 no property owner within 1000' has contacted the Planning and Zoning Office. Notices requesting comment were also sent to each of the following Agencies or Institutions with responses as of January 22, 2013 noted.

County Engineer:

From: Mark J. Nahra, County Engineer
Date: January 28, 2013
Subject: Brittany's Addition

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated January 2, 2013.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5000 for each lot as required by Section 355.8 of the Code of Iowa.
- I have not reviewed driveway locations for either lot. An existing driveway was noted in your transmittal letter for Lot 1 at the location of the existing residence, but no driveway for Lot 2 was identified. Not having reviewed the site, I cannot guarantee that a location for a driveway that meets current standards is available along the Lot 2 frontage. If, at some time in the future, a separate access is needed for Lot 2, an application will have to be made to the Secondary Road Department for a new driveway.
- I have no other concerns or issues with this subdivision.

If there are any more questions or issues that arise later, please contact this office.

Department of Natural Resources: No Response Received

Western Iowa Telephone Company: No Response Received

Woodbury County REC: No Response Received

Siouxland District Health Department: No Response Received.

County Assessor: No Response Received

County Emergency Services: No Response Received

County Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

American National Bank, Sioux City, Iowa: No Response Received

Kaneb Pipe Line Operating Partnership, L.P: No Response Received

Staff Recommendation: Subject to public hearing testimony staff recommends a Zoning Commission Final Platting approval recommendation to the Board of Supervisors conditioned upon:

1. The recording of a Paving Agreement consistent with County Paving Policies.

Mr. Pylelo commented Mrs. Todd, in order to refinance her property, was required by her financier to subdivide her parcel.

It was noted there would be required a Paving Agreement consistent with County Paving Policies.

County Engineer Mark Nahra also noted the farm access/egress road on the remaining parcel was adequate for farm use. Should a primary structure be built on the remaining parcel, he asked that his office be contacted to provide approval for the existing drive or provisions be made for a new drive.

Mr. McWilliams made a motion to close the public hearing. Ms. Zellmer Zant seconded the motion; motion carried 4-0.

Discussion:

Mr. Knight made a motion to recommend approval of Brittany's Addition with the condition a Paving Agreement be recorded; Mr. McWilliams seconded the motion; motion carried 4-0.

Next Agenda Item was Any Citizen wishing to be heard.

There were no citizens waiting to be heard.

Mr. McWilliams made a motion to adjourn. Ms. Zellmer Zant seconded the motion; motion carried 4-0.

Meeting adjourned at 6:40 PM. Next meeting is scheduled for 6 PM, February 25, 2013.