

Minutes - Woodbury County Zoning Commission Meeting – July 25, 2022

The Zoning Commission (ZC) meeting convened on the 25th of July at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeff O'Tool
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Gary Walters, Scott & Sandra Wendel, Elbert & Sandy Baker, Dick & Cindy Speed
Telephone: Mark Livermore

Call to Order

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – June 27, 2022

Parker motioned. Second: O'Tool 5-0.

Public Hearing: The Evergreens Addition - Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Wendel Real Estate LLC has filed an application for a two-lot minor subdivision. The purpose is to establish two lots. The first lot will include 13.12 total acres while the second lot will include 11.79 total acres. The proposal has been properly noticed in the Sioux City Journal Legals Section on July 9, 2022. The neighbors within 1000 FT have been duly notified via a July 9, 2022, letter about the July 25, 2022, Zoning Commission Public Hearing. Appropriate stakeholders including government agencies utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access and recommended that a pavement agreement be included for consistency as the subdivision across the street (Bakers Acres) to the west is subject to a pavement agreement. Extraterritorial review, as required by Iowa code 354.9, was not required as this property is further than two (2) miles from an unincorporated jurisdiction. The property is not located in the floodplain. There are no wells or septic systems on the lots. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends acceptance and approval of the minor subdivision proposal with the condition that either an 80/20 or a 60/40 pavement agreement be signed with Woodbury County. Sandra Wendel explained the reason for the subdivision, they sold the farm and kept northern 13 acres, then realized the division triggered a subdivision. The middle lot will be donated for conservation purposes. It contains rare species of prairie plants that will be preserved and used to repopulate other areas. Motion to close public hearing: Bride. Second: Parker. Motion approved 5-0. Motion to recommend acceptance and approval of The Evergreens Addition final plat to the Board of Supervisors with the condition that either an 80/20 or a 60/40 pavement agreement be signed with Woodbury County as determined by the Board of Supervisors by O'Tool. Second: Parker. Motion approved 5-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from AP to AE Proposal – Mark A. Livermore and Michelle M. Livermore.

Priestley read the preliminary report and staff recommendation into the record. Mark A. Livermore and Michelle M. Livermore have filed an application for a zoning ordinance map amendment (rezone) on property currently zoned Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of completing a boundary adjustment to add 2.89 acres to their abutting property identified as Parcel #894430300004 which is already in the AE Zoning District. The two Parcels must in the same zoning district before the Woodbury County Assessor can combine two into one. This proposal has been properly noticed in the Sioux City Journal Legals Section on July 9, 2022. The neighbors within 1000 FT have been duly notified via a July 9, 2022, letter about the July 25, 2022, Zoning Commission public hearing and have been requested to comment. As of July 20, 2022, no comments or inquires have been received about the proposal. Appropriate stakeholders including government agencies, utilities and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the AE Zoning District. Motion to close the public hearing: Parker. Second: O'Tool. Motion approved 5-0. Motion to recommend acceptance and approval of the zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estate (AE) Zoning District to the Woodbury County Board of Supervisors by Parker. Second Bride. Motion approved 5-0.

Information/Discussion: Draft FEMA Special Flood Hazard Area Maps

The Federal Emergency Management Agency (FEMA) and the Iowa Department of Natural Resources (IDNR) have been working to update the floodplain maps also known as the Flood Insurance Rate Maps (FIRMS) and the Flood Insurance Study (FIS) for the State of Iowa. Initially, a preliminary product for Woodbury County was sent out in November of 2020. However, since that time, FEMA/IDNR have determined the necessity to reissue the preliminary FIRMS and FIS due to a mislabeling issue concerning the Base Flood Elevation (BFE) lines. The preliminary products are available in digital format, which can be viewed at: www.fema.gov/preliminaryfloodhazarddata and <https://ifis.iowafloodcenter.org/ifis/newmaps/>. The IDNR will be contacting Woodbury County to schedule a community coordination meeting (referred to as a "Consultation Coordination Officer [CCO]" meeting) to discuss the revised flood hazard information, ordinance adoption, and other frequently asked questions and concerns. After the CCO meeting, FEMA will initiate a statutory 90-day appeal period for certain communities within Woodbury County. The new FIRM and FIS report for Woodbury County will become effective at a later time to be determined estimated to be around January of 2024.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

Bride asked if there have been concerns about shed/houses being built in the county. Priestley stated they go through the regular building permit process for approval and the minimum lot dimensions must be 23' x 23'. Bride and Meister stated they have received calls and comments regarding a proposed 2,500 FT setback for wind turbines. Bride pointed out that there could be issues with reverse setbacks where new homes may not be located within the setback of a preexisting wind turbine.

Staff Update

Priestley addressed possible changes to the zoning fee schedules to cover processing and printing of meeting notifications and legal notices. Certain projects may be more time consuming for staff, requiring larger amounts of mailings, and legal postings. The Board of Supervisors approve fee schedule changes through the resolution process. Priestley will bring the matter to the Board of Supervisors as an information item on July 26, 2022.

Adjourn

Motion by O'Tool. Second: Bride. 5-0. The meeting adjourned at 6:48 PM.