

## **Minutes of Woodbury County Zoning Commission July 17, 2006**

The meeting convened on the 17<sup>th</sup> of July, 2006 at 6:07 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 Don Groves, Arvin Nelson, Christine Zellmer Zant, and Grady Marx; Dwight Rorholm was absent; Zoning Staff Present: John Pylelo and Peggy Napier. Riley Simpson, consultant for Flat Earth Planning, was present from the public.

**The first agenda item was approval of available Zoning Commission minutes.**

The first agenda item was tabled since there were no minutes available.

**The second agenda item was the work session and first draft revision of the current subdivision booklet.**

Mr. Simpson said the subdivision revision he distributed would be a preliminary draft of the eventual new subdivision regulations. They will define new processes involving major and minor subdivisions and who would be reviewing preliminary and final plats under each of those description. Simpson readily admitted the regulations he was presenting were a very close copy of what is currently being used in Sioux City. This is advantageous because those who are developing in the Sioux City area are already familiar with this process. He also hoped this process would be more streamlined for everyone involved.

### **Article 1. General Provisions**

Mr. Simpson invited commission to read through Article 1 and bring to his attention anything that did not make sense or should be stated in a different way.

Mr. Marx did not agree with #3 under Section 1.04: Policy Interpretation. He wanted the entire paragraph struck because, according to Marx, these provisions were appropriate for city development, not for the country.

Mr. Simpson explained in a subdivision when you are dividing the land for a specific purpose, you make sure you have the public improvements necessary to serve that purpose.

Mr. Marx insisted the provisions mentioned were not necessary to serve the purposes of the subdivisions being placed in the country.

Mr. Simpson insisted equally that it was possible these provisions *could* apply.

Mr. Marx said regardless of what Mr. Simpson insisted *might* be true, people were angry about what was going on already because they thought the regulations were too restrictive. Marx thought the commission was making the subdivision regulations too difficult for the commission to deal with and “ridiculously” too hard on the people in Woodbury County.”

A discussion ensued regarding the rights of those living in the county or in a subdivision to hook up or not hook up to available rural water.

Marx said he didn’t buy any of it. It was getting to be too much like a city development plan and he thought Mr. Simpson had gone too far.

Mr. Simpson admitted the language used was borrowed possibly too liberally from the city. It probably needed to be reworked to apply more obviously to the country, but he still thought there needed to be a way to require public improvements that are needed for what may be a minority of subdivisions.

It was decided, rather than eliminate the interpretation, to admit, or reword, or move to a zoning district where applicable.

(The commission continued to discuss this issue and Mr. Simpson later suggested rewriting it to say; *Land to be subdivided should be served by adequate public improvements such as storm water, drainage water, sanitary sewer, transportation facilities, schools, parks, and recreation facilities, if feasible.*)

Mr. Marx questioned the phrase “Woodbury County Design Standards Manual” in #4 of the same section. Mr. Simpson said that would be replaced by “Standards acceptable to the County Engineer.” This language was already present in the current subdivision Red book.

## **Article 2. General Procedure**

Section 2.01: Classification of plats lists the various kinds of plats and what defines each.

- Simple Divisions: Simpson suggested eliminating the word *parcel* from “A.” You can do a simple division without having to rezone to something else.

A discussion ensued to clarify which parcel splits initiate subdivisions and which do not.

The third parcel in a subdivision, sometimes called an out lot, will probably be called “lot 3.”

Mr. Marx asked for the actual definition of an out lot. Mr. Simpson said out lot is used often and in most ordinances it isn’t even defined. It is most commonly used to represent a piece of land that is in the subdivision but by not designating it as a lot, it doesn’t have the right for a building permit for further development. It’s excess land that is held without a development.

Mr. Pylelo added typically it is unusable land because of the character of the ground, or it is in a different phase of development. The owner may not intend to develop it until a future time.

Mr. Simpson summarized Simple Divisions:

*We may just strike that simple division thing in there because it's really there to clarify they don't go to the planning commission, they don't go to the Board of Supervisors, nobody can say yey or neigh to them, but after they happen they may or may not have created parcels which innocent people may or may not buy.*

**The third agenda item was the Public Hearing re: Consideration of the Final Plats and Recommendation to Board of Supervisors for Tomoson Addition Subdivision – Parcel; GIS 8847 21 101 001.**

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owners Brian and Gina Tomoson. The Tomoson's intend to subdivide their current 9.81 net acre parcel into two (2) lots.

The parcel is located in the NW ¼, Section 21, Woodbury Township abutting the northeast side of Elk Creek Road at or near where Elk Creek Road and DeRocher Path intersect, is zoned AG (Agricultural) and not within any floodplain. The developers intended use is permitted within this Zoning District. The average crop suitability rating for the property is 36.0.

The existing parcel, at which the Tomosons reside, is addressed 1900 Elk Creek Road which would be located upon proposed Lot 1. Proposed Lot 2 would be for single family residential development.

At your meeting of June 26, 2006, your Commission recommended approval of the preliminary plat conditioned upon the final plats showing:

- Lot 2 will be provided with 33' of frontage along Elk Creek Road; and
- The required easements being shown whereby Lot 2 will provide Lot 1 with the appropriate access-egress and utility easements along and near a portion of Lot 2's northern property line.
- A recorded Paving Agreement acceptable under the County's Paving Policy.

At their then upcoming meeting of July 11<sup>th</sup> it is anticipated the Board of Supervisors will approve the Preliminary Plat and forward the Final Plat to your Commission for Recommendation.

Attached is a copy of the final plat. The final plat provides for the recommended 33' wide ingress-egress and utility easements to Lot 1 through Lot 2 along Lot 2's northern property line as well as the recommended easements above referred to.

A paving agreement has been drafted. It's been fine tuned recently and the last draft came in today. It is expected to be in an approved form prior to your Commission's July 17<sup>th</sup> meeting.

As the Tomoson subdivision is within 2 miles of the corporate limits of the City of Sioux City the subdivision will require Sioux City Council approval. No additional agency or citizen comment has been received since your June 26, 2006 meeting.

Mr. Pylelo distributed a copy of the Paving Agreement to the Commission. It was unique in that in Item #3; instead of allocating the assessment to roadway improvements based upon lineal frontage adjacent to the roadway, this one, because of the flag lot, is using square footage of the respective lots. Pylelo stated it has been used in the past and it has been accepted by past Commissions and it has also been accepted by your Board of Supervisors. He said, whatever recommendations the Commission decided upon, he wished they would indicate their approval of this language.

Mr. Pylelo explained how Lot 2 was to go clear to the roadway. Of the total area Lot 1 represents 50.16%, and Lot 2 represents 49.84% of the total area. Whatever is assessed to this particular lot by the formula in the policy, these 2 property owners have agreed between themselves to allocate it almost equally rather than this lot losing out because it has all the frontage and Lot 2 getting a windfall because it is just a flag lot.

**Ms. Zellmer Zant made a motion to approve; Mr. Marx seconded the motion; motion carried.**

#### **The fourth agenda item was the Work Session Re: Woodbury County Subdivision Ordinances**

- Minor Subdivision: Minor Subdivision represents a subdivision where the plat has three or more lots in which no construction of public improvements is required. There would be no plat review by the commission or the Board of Supervisors and the plat would not have topography represented. There would just be a signoff from the Engineer saying he sees no issues with the plat. The Office of Planning and Zoning will do all the same notifications as with Major Subdivisions. Those notified will be encouraged to come to the *final* rather than the *preliminary* hearing.

If, during the review, the county staff, Planning and Zoning Commission or the Board of Supervisors determines a need for more information, submission of specific material that would have been a part of a preliminary plat may be required.

Ms. Zellmer Zant wanted assurance the citizens were being adequately represented on Major and Minor Subdivisions.

A discussion ensued regarding other details related to Minor Subdivisions.

- Major Subdivision: Involves both preliminary and final plats, notification of neighbors, and approval by Board of Supervisors. If there are changes on the preliminary plat, once those changes are made on the final plat it goes directly to the Board of Supervisors for approval. The only time the Zoning Commission will see it is in reviewing the preliminary plat.

Mr. Pylelo asked if there was any flexibility in case Planning and Zoning or the Commission felt for some reason the plat should be reviewed again.

A discussion ensued with the commission agreeing to allow an additional review before it is presented to the Board of Supervisors at the request of the Zoning Commission.

Grady initiated a discussion about “Grandpa houses,” what qualifies as one, how to implement them and what future use they could be put to.

- Auditor’s Plat:
  - A. A plat required by the County Auditor in accordance with the provisions of sections 354.13 through 354.17 of the Code of Iowa because either:
    1. An existing subdivision plat or plat of survey was not in compliance with the requirements of sections 354.4 and 354.6 of the Code of Iowa; or
    2. The descriptions of one or more parcels within a tract are not sufficiently certain and accurate for the purpose of assessment and taxation.
  - B. The County Auditor may submit an auditor’s plat for review and approval. If the auditor’s plat is found to comply with the standards for surveys in the Chapter 355 of the Code of Iowa, it shall be approved pursuant to Section 354.15 of the Code; however, the approval may reserve the county’s right to deny issuance of any permits or certificates if the auditor’s plant does not conform with the standards of this chapter for subdivisions including adequate public improvements required to serve developed properly.

**Mr. Nelson made a motion to adjourn; Ms. Zellmer Zant seconded by; motion carried.**

Meeting adjourned 9:00 PM