

Minutes - Woodbury County Zoning Commission Meeting February 26, 2007

The meeting convened on the 26th of February, 2007 at 6:01 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, Dwight Rorholm, David McWilliams and Arvin Nelson. Christine Zellmer Zant arrived at 6:15 PM. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning and John (Jay) Munson P.E.

The first agenda was approval of February 13, 2007 Commission Minutes.

Chairman Marx asked his name be included with Mr. Simpson and Mr. Pylelo as a participant in the meetings with landowners on the Hwy 20 corridor; the last paragraph on page 2.

Mr. Rorholm made a motion the minutes be approved subject to the above change. Mr. McWilliams seconded the motion; motion carried 4-0.

The second agenda was the Review and recommendation of the Final Platting for Kucera Addition Subdivision.

The Woodbury County Office of Planning and Zoning received a Subdivision application from property owners Terry J. and Kathleen M. Kucera. The applicants intended to subdivide the current 28.75 acre parcel into 6 (six) lots for existing and future residential development. No grading is planned other than residential building site excavation.

The proposed subdivision is located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Woodbury Township abutting the south side of paved 210th St. between Old Lakeport Road and Buchanan Avenue and approximately 0.75 mile (4035') east of Sergeant Bluff's corporate limits. The property is zoned AG (Agricultural) and not within any floodplain. The average crop suitability rating for the property is 53.56.

Although the proposed subdivision is within 2 miles of the corporate limits of Sergeant Bluff review and approval has been waived by their City Council. The applicants intended use for all proposed lots is permitted within this Zoning District. As 210th St. is a paved County maintained roadway a paving agreement is not required as a condition for subdivision approval.

At the Commission's meeting of January 22, 2007 the public hearing was held and the Commission recommended the approval of the preliminary platting subject to the following

changes:

1. Lot widths be increased to a 200' minimum for Lots 1, 3, 4 and 5; resulting in Lot 6 being deleted.
2. Increase width of Lot 2 at 210th St. from 30' to 60'.
3. Relocation of drives for Lots 1 thru 5 at positions acceptable to the County Engineer.
4. Recorded certification page to show Sergeant Bluff's waiver of review and approval.

Each of the above recommendations except #4 is reflected on the attached final platting. Item #4 can be resolved prior to recording of the final platting. The County Engineer has reviewed and approved the proposed lot width changes and relocated driveway locations.

At their meeting of February 13, 2007 the Board of Supervisors approved the preliminary platting subject to your recommended changes and now forwards the final platting to the Commission for review and recommendation.

No additional agency comment has been received since the public hearing.

Mr. Rorholm made a motion the Final Plat for Kucera Addition Subdivision be approved. Mr. McWilliams seconded the motion; motion carried 4-0.

The third agenda was the Review and recommendation of the Final Platting for McKenna Addition Subdivision.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owners James J. and Priscilla J. McKenna. The applicants intend to subdivide the current 17.215 acre parcel into six (6) lots for existing and future residential development.

The parcel is located in the W ½ of the NW ¼ of Section 03, Lake Port Township abutting the south side of unpaved 280th St. and the east side of unpaved Benton Avenue 0.35 miles (1866') southwest of the Salix corporate limits. The property is zoned AG (Agricultural) and not within any floodplain. The average crop suitability rating for the property is 82.0.

Proposed Lot 5, known as 2814 Benton Avenue has an existing single family dwelling where the applicants reside and miscellaneous accessory structures. Proposed Lot 6, known as 2824 Benton Avenue has an existing single family dwelling where family members reside and miscellaneous accessory structures. All other proposed lots have no structures.

The applicant's intended use for all proposed lots is permitted within this Zoning District. As 280th St. and Benton Avenue are unpaved County roadways a paving agreement is required as a condition for subdivision approval. The proposed subdivision is within 2 miles of the corporate limits of the City of Salix and may require Salix City Council approval.

At the Commission's meeting of January 22, 2007 the public hearing was held and the Commission recommended the approval of the preliminary platting subject to the recording of

a paving agreement conforming to County policies applying to both 280th St. and Benton Avenue.

At their meeting of February 13, 2007 the Board of Supervisors approved the preliminary platting and now forwards the final platting to the Commission for review and recommendation with the condition comments be received for the County Engineer and Siouxland District Health relative to drainage at this location. Correspondence received from Siouxland District health relative to the Supervisors' request is a follows:

“Upon inspection of the site and after going through our records of homes in the area, the property located at 280th & Benton Ave is suitable for development. We do recommend putting in oversized (an additional 50'-100' of drain field) septic systems to make up for the soil in the area.”

Correspondence received from the County Engineer relative to the Supervisors' request is as follows:

“...This area is located within what is referred to locally as the Missouri River Bottoms. As you indicated in your review, the site is not located within a flood plain. It is our opinion that the soils in this area are of a sandy nature and would allow percolation of surface drainage. During heavy rain events this entire area is subject to some standing water until existing drainage can handle the problem. The only complaints that we are aware of from this area come from the Brown's Lake area. That area is lower in elevation. I think that builders on these lots should be aware of potential standing water sites before building and may want to consider elevating the basement floors. If there are any other questions or problems, please let me know.”

Other than requested County Engineer and Siouxland Public Health drainage comments no additional agency comment has been received since the public hearing.

Mr. Rorholm made a motion the Final Plat for McKenna Addition Subdivision is approved subject to the following:

- **Any subdivision review or waiver thereof decision made by the City of Salix**
- **Paving agreement**
- **Notation on each lot referring to affidavit containing comments of Engineer and Siouxland District Health**

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

The fourth agenda is a Public Hearing and Preliminary Plat Recommendation to Supervisors re: Eveleth Addition Subdivision.

John (Jay) Munson P.E. representing The Eveleth Addition subdivision addressed the Commission and explained Mr. Eveleth had decided to sell more property and by doing so he is no longer required to subdivide his property.

The Eveleth Addition Subdivision was withdrawn. A subdivision process is no longer necessary for the owners to accomplish their goals.

The fifth agenda is a Public Hearing and Preliminary Plat Recommendation to Supervisors re: Sandhill Estates Second Addition Subdivision.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from Bert Ullrich Jr. as Trustee for the Engelbert Francis Ullrich Testamentary Trust. The applicant intends to subdivide 7.33 acres of the current 36.3 acre parcel into two (2) lots for the sale of the two single family dwellings. The remaining 28.97 acres are intended to remain within agricultural production. No grading is planned. The five lot subdivision known as Sandhill Estates lies directly south of this proposed subdivision

Lot 1 was the location of the former residence of Mr. Engelbert Francis Ullrich and is known as 3062 Cass Avenue. Lot 2 was a rental property known as 3070 Cass Avenue. Both residents are currently being rented.

The parcel is located in part of Government Lot 2 located within the SW ¼ of Section 13, Lake Port Township north of the intersection of 310th St. and Cass Avenue at or near the location where Cass Avenue dead ends. Lots 1 and 2 abut the east side of Cass Avenue. The property is zoned AG (Agricultural) and not within any floodplain. Of note is the fact a Zone A flood hazard area lies as close as approximately 235' feet west of the proposed subdivision's Lot 2 and 260' west of proposed Lot 1. County subdivision ordinances require any flood hazard area be shaded on submitted platting. The preliminary platting notes the eastern limits of the flood hazard area.

The average crop suitability rating for the property is 65.0.

The applicants intended use for both proposed lots is permitted within this Zoning District. As Cass Avenue is an unpaved County maintained roadway County policies require a paving agreement be recorded as a conditional for subdivision approval.

Notification of the public hearing was sent to the eight (8) property owners within 1000' of the proposed subdivision's parcel. To date no responses have been received.

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

NRCS: NPDES Permit #2 letter received and forwarded to the applicant.

County Engineer: Correspondence received 02/21/07 “...We do not see any problems with access to the road system. We note that this subdivision is located on a dead end road. We have not completed review and checking of subdivision layout. If there are any problems, I would ask Roger to contact you before the February 26, 2007 meeting. If there are any other questions or concerns, please contact me.”

DNR: No Response received

Long Lines: No Response Received

Woodbury County REC: No Response Received

Iowa Department of Transportation: No Response Received

Mr. William Cappuccio of the IDNR and FEMA Iowa State Coordinator: 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

City Clerk of Sloan as the clerk for the Sandhill Lake Port Inter County Drainage District: No Response Received

Williams Pipeline Company n/k/a Magellan Pipeline Company, LLC: No Response Received

There are presently two (2) homes on the parcel to be subdivided. The owner wishes to split the parcel resulting in two separate lots each containing one home. The remainder of the parcel will continue to be farmed. The subdivision will cause the parcels to comply with state legislation.

The commission asks the following conditions be considered:

- The FEMA Zone A area across the road from the subdivision be shaded on the plat
- The lot line separating the two homes be darkened to match other parcel outlines
- Paving Agreement for Cass Avenue

Mr. Rorholm made a motion the preliminary plat for Sandhill Estates Second Addition Subdivision is approved subject to the above conditions. Mr. Nelson seconded the motion; motion carried 4-0.

The sixth agenda item is any citizen wishing to be heard before the Commission.

There were no citizens who wished to speak.

The seventh agenda item is the Work Session Re: Woodbury County Zoning/Subdivision Ordinances and Zoning District Mapping.

Mr. Simpson, Mr. Pylelo and Chairman Marx reviewed with the Commission the meetings they held on the sixth floor with landowners along the Hwy 20 Corridor. Simpson distributed a handout detailing information discussed with the various attendees.

The Commission discussed establishing better communication and cooperation toward an improved working relationship between the County and the City leaders.

Mr. Simpson relayed information regarding negotiations between LeMars and Plymouth County to do an urban services agreement. He said he would bring copies to the commission to review as a possible template for Woodbury County and other interested parties.

Mr. Simpson initiated discussion regarding “*Home Occupation.*” Beginning with obvious occupations such as hairdressers and day care, the commission needed to review what constitutes “*Home Occupations*” and at what point does the concept need to be expanded – what are the limits.

Mr. Simpson suggested reviewing drafts from other counties. He agreed to bring copies of Plymouth County drafts for the commission to read.

Mr. Pylelo asked the commission what constitutes a *nuisance* in having a home business.

Mr. Pylelo said he would like to start off with something close to our current policy which is “*no harm, no foul.*” Pylelo said, “If you can do it where no one else can see it, taste it, smell it; have at it.”

Mr. Pylelo and Ms. Zellmer Zant suggested there should be a health-safety complaint form sent to the planning and zoning office before a move is made on the facility. At this point the operator will have an opportunity to “*fix the symptoms*” or meet before the Board of Adjustment to obtain a Special Use Permit.

Mr. Rorholm made a motion to adjourn. Mr. McWilliams seconded the motion; motion carried 4-0.

Meeting adjourned 9:30 PM.

Next meetings will be Tuesday, March 13 and Monday, March 26th, 2007