

Minutes - Woodbury County Zoning Commission Meeting June 25, 2007

The meeting convened on Monday, the 25th of June, 2007 at 6:00 PM in the Board of Supervisor meeting room in the lobby of the Woodbury County Court House in downtown Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, David McWilliams, Dwight Rorholm, Christine Zellmer Zant. Arvin Nelson arrived at 6:07 PM. Zoning staff: John Pylelo, Zoning Administrator, and Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning, David Kaufman, Jerry Semple, Aaron LeMere, Angie Sweet, Aaron Shearn, Tom Berger, Modine Pelchat, Richard Storm, Stuart Seibold, Bob Wortman, Doug Buckholdt, Robbin Harrison, Melvin Harrison, Douglas Mordhorst, Jeff Snoozy, and Brent Nelson.

The first agenda was approval of May 21st, 2007 Commission Minutes.

Mr. Rorholm made a motion to approve the May 21th, 2007 minutes; Mr. McWilliams seconded.

The next agenda item was a Public Hearing and Review of Preliminary Platting for Kaufman Addition Subdivision.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owners David and Linda Kaufman. The applicants intend to subdivide the current 8.67 acre parcel they purchased in 1989 into three (3) lots. The applicants currently live in the dwelling located on proposed Lot 1 and rent out the dwelling on proposed Lot 2. It is intended proposed Lot 3 will be used for the future construction of a new home for the applicants. No grading is planned other than residential building site excavation on Lot 3.

The parcel is located in part of the SW 1/4 of Section 5, Liberty Township abutting the east side of Banner Avenue a County maintained graveled roadway. The location lies south and within two (2) miles of the Sioux City/Sergeant Bluff metropolitan area. The subdivision may require either or both of Sioux City's or Sergeant Bluff's City Council approval.

The property is zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 65.0. The County paving policies are applicable as at this location Banner Avenue is an unpaved County maintained roadway. A recorded paving agreement will be required as a condition for subdivision approval.

Notification was sent to the nine (9) property owners within 1000' of the proposed subdivision's parcels. To date no responses have been received.

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

City Clerk of Sergeant Bluff: No Response received

Mr. Brent Nelson/City of Sioux City: No Response received

NRCS: No Response received

County Engineer: (email response below)

Woodbury County Secondary Roads has reviewed the information provided in our June 4, 2007 transmittal. Our concern would be with location of entrances from the subdivision to Banner Ave. Entrances have been shown for lots 1 and 2, and these two are satisfactory from site distance standpoint. There was no entrance noted on the plat for lot 3. To keep entrances of the subdivision equally spaced, we would recommend that the entrance be located in the south 1/2 of lot 3.

DNR: No Response received

Long Lines: No Response received

Mid American Energy: No Response received

Siouxland District Health Department: Today, June 25, a response was received from Ron Brandt, Environmental Technician with Siouxland District Health. Mr. Pylelo read his short response into the record.

After reviewing our records, I was unable to find any information on septic systems for the properties at 2248 Banner Ave. and 2282 Banner Ave. If the properties are discharging sewage into the road ditch, we recommend that they be brought up to code.

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: No Response received

Board of Supervisors: No Response received

Woodbury Soil Conservation District: No Response received

Northern Natural Gas: No Response received

JP Morgan Chase Bank, NA: No Response received

On June 12, 2007 the Board of Supervisors considered the preliminary plats and now forwards the platting to your Commission for public hearing and recommendation.

The Planning and Zoning Office makes the following comments:

- Investigation of the parcel indicates the existing septic system(s) may be substandard. Any comments from Siouxland District Health should be closely reviewed. (*Response above*)
- The well on Lot 1 services the single family dwellings on Lot 1 and Lot 2. A utility easement should be considered as a condition of subdivision approval.
- County paving policies require the recording of a Paving Agreement by the developer as a condition of subdivision approval.
- As a condition of County approval the review and approval by the Sergeant Bluff and/or the Sioux City Council(s) should they so elect.
- The drive location for Lot 3 should be determined and shown upon final platting. (*per email received 6/21/07 with County Engineer Dick Storm's recommendations*)

Your Commission is asked to hold the required public hearing, consider the preliminary platting and forward recommendation to the Board of Supervisors.

Discussion

Mr. Kaufman stated he had been made aware of the concerns with the septic issues. His understanding was the final drain for lot 2 went across the road (Banner Ave.).

Mr. Pylelo stated Mr. Brandt from District Health had been to Lot 2 but due to the overgrowth in the ditch, could not locate the pipe. The only reason Planning and Zoning suspects that it may empty into the ditch is a statement by Mr. Kaufman saying it did. He thought it was clear that a condition for recommendation of approval would be minimally to bring the lot 1 septic system up to code.

Mr. Kaufman confirmed Lot 2 had a drain field that was installed before they bought the place in 1989.

Mr. Pylelo suggested when Lot 1 is brought up to code, Lot 2 be evaluated.

Mr. Kaufman confirmed the well shown on the plat for Lot 1 also serves Lot 2. He further stated a new well would be installed on Lot 3 where they intend to eventually built and live.

Mr. Rorholm made a motion to recommend approval of Mr. Kaufman's subdivision subject to the following conditions:

- **Paving Agreement be properly prepared and recorded.**
- **Verify the design and quality of the septic system for lot 2 and replace the septic system for lot 1 if needed.**
- **The final plat for lot 1 and 2 indicates the existing well is associated with both lots.**
- **The drive location on the south half of Lot 3 be sited on the final plat as recommended by County Engineer.**
- **Review and approval by Sergeant Bluff and/or the Sioux City Council(s) unless they waive said review.**
- **Utility easements be prepared and recorded for water lines on Lot 1 and Lot 2.**

Ms. Zellmer Zant seconded the motion; approved 4-0.

Chairman Marx called for a 10 minute recess at 7:20 PM. The meeting reconvened at 7:38 PM.

The next agenda item was a Public Hearing re: Consideration of Preliminary Plats and Recommendation to Board of Supervisors for Harrison Replat of Lot 6 of Harrison's Addition Subdivision – Parcel GIS # 8946 17 100 001.

Mr. Pylelo began the hearing by asking the public attending if there was any intention to rescind the application for the replat of the subdivision. There was not and Mr. Pylelo moved ahead with his notes.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owner Melvin P. Harrison. *(An overhead image was available so Mr. Pylelo could explain the Harrison Addition was originally approved in 1978 with 12 lots consisting of two [2] major flag lots. Harrisons wish to replat Lot 6 into 4 separate lots according to the proposed preliminary plat.)* The applicant has applied to replat existing Lot 6 consisting of 31.29 acres into four (4) lots. The applicant currently lives in one of the dwellings located on existing Lot 7 and rents another single family dwelling located on the lot.

The original Harrison subdivision was approved in 1978 and consisted of 12 lots. Over time the Harrison family has moved single family dwellings onto a number of the lots. The Harrison family also sold lots for residential construction or house placement. In some instances the dwelling placements have caused violations of Woodbury County subdivision and zoning ordinances. The replat of lot 6, should it be approved as proposed, would resolve a number of those violations. The existing Lot 7 drive serving five (5) single family dwellings has recently been improved. No additional grading is planned. Numerous utility and access/egress easements will likely be required to be reviewed and updated.

Mr. Harrison's stated intent is to provide Lots 2 and 3 as individual lots for the respective dwellings currently located on existing Lot 6. He further intends to sell proposed Lots 1 and 4 to an adjacent property owner. It is the stated intent of the adjacent property owner to leave lots 1 and 4 in pasture or some form of agricultural production.

The parcel is located in a part of section 17, Concord Township, abutting the west side of Buchanan Avenue, a County maintained graveled roadway. The subdivision's location lies approximately ¼ mile south of the intersection of 120th St. and Buchanan Avenue. The nearest location lies within two (2) miles of the Sioux City corporate limits potentially requiring subdivision approval by the City Council of Sioux City.

The property's location is zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 29.0. The County paving policies are applicable as at this location Buchanan Avenue is an unpaved County maintained roadway. A recorded paving agreement will be required as a condition for subdivision approval.

Notification was sent to the twenty-six (26) property owners within 1000' of the proposed subdivision's parcels. Several inquiries came to the Planning and Zoning office since the Commission's packets were mailed. Those parties were invited to attend this meeting.

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

Mr. Brent Nelson/City of Sioux City: No Response received

NRCS: No Response received

County Engineer: *(reply below)*

Woodbury County Secondary Roads has reviewed the plat and information submitted in your June 4, 2007 letter. I also understand that you and Roger Milligan have reviewed the site together. This subdivision has a number of issues. I commend your office for attempting to deal with the current situation and correct the problems with respect to entrances because our opinion is that the existing drives serving several residences on Buchanan Avenue has functioned satisfactorily for several years. The hilly terrain limits the number of possible alternatives that could be evaluated. The easements noted for ingress and egress are acceptable to Secondary Roads.

I understand that you have received several comments with respect to requiring the interior roads serving several residences be paved. The current drive has not been approved as a public road. It is our opinion that the road should be engineered with satisfactory right-of-way. We would not insist that the drive be paved at this time; nor would we insist that it be accepted into the Secondary Road System. The Zoning Commission might consider approving this plat on the basis that if Buchanan Avenue is approved and paved in the future, the drive would be approved and paved to the standard acceptable to Woodbury County and the city of Sioux City within a two (2) year period of completion of Buchanan Avenue.

DNR: No Response received

Western Iowa Telephone: No Response received

MidAmerican Energy: No Response received

Siouxland District Health Department: No Response received

Woodbury County Soil and Water Conservation District: 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

Deborah S. Harrison: No Response received

Woodbury Soil Conservation District: No Response received

The Planning and Zoning Office makes the following comments:

The five (5) single family dwellings addressed as 1231, 1233, 1235, 1237 and 1239 Buchanan Avenue are provided access/egress via the drive exiting on County ROW through Lot 7. The water well on Lot 6(2) services the single family dwellings on proposed Lot 6(3). Access/egress and utility easements should be of record as follows:

Lot 5

- Receives an access/egress easement from Lot 6(1) along existing drive.
- Grants an access/egress easement to Lot 6(4)

Lot 6(1)

- Grants access/egress easement to Lot 5 along existing drive.

Lot 6(2)

- Grants a well utility easement to Lot 6(3).
- Receives an access/egress easement from Lot 7(A)

Lot 6(3)

- Receives a well utility easement to Lot 6(2)
- Receives an access/egress easement from Lot 6(2)
- Receives an access/egress easement from Lot 7(A)

Lot 6(4)

- Receives an access/egress easement from Lot 5 or possibly from both Lots 4 & 5

Lot 7(A)

- Grants access/egress easement to Lot 6(2) and 6(3).

Lot 7(B)

- Receives an access, egress easement from Lot 7(A)

Some of the referred to easements may currently exist. (*Mr. Pylelo suggested the easements should be reviewed for accuracy*).

Your Commission is asked to hold the required public hearing, consider the preliminary platting and forward recommendation to the Board of Supervisors.

Discussion:

Mr. Pylelo explained the Office of Planning and Zoning in the past few days had an ongoing dialogue with Mr. Brent Nelson from Zoning in the City of Sioux City. Pylelo asked Mr. Nelson to explain the city's position.

Mr. Nelson stated his staff recommendation would be to have the decision deferred to give them a chance to consult with both the city and county attorneys to determine if platting is needed. Nelson believed all lots could be described in a manner that does not use a *metes and bounds* description. Nelson was making the point that City Zoning would most likely not approve a subdivision because three (3) lots don't face public streets. According to City Zoning all lots must have frontage on a dedicated public street.

The County Planning and Zoning Office would need to find a way to allow the replatting without creating a subdivision or come to a draw with County Zoning approving a subdivision and City Zoning not approving the subdivision.

Mr. Rorholm suggested tabling this item until the city and county attorneys have looked into it and written opinions.

Continued discussion ensued including comments by members of the public present.

Mr. McWilliams made a motion to table the public hearing for Harrison's Replat of Lot 6 subject to further legal research and to continue the public hearing at 7:00 PM on Monday July 23, 2007. Mr. Nelson seconded the motion; motion approved 4-0.

The next agenda item was any citizen wishing to be heard before the Commission.

Citizens present had commented on previous agenda item. No other issues were brought forward.

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

Mr. Simpson asked the Commission to assist in reviewing the PowerPoint presentation prepared for the upcoming town hall meetings. Simpson reviewed “Farm Exemption” again as well as the definitions for “farm” and “farmer.” Several items were discussed and/or altered for clarity.

Mr. Rorholm made a motion to adjourn; seconded by Ms. Zellmer Zant; approved.

Meeting adjourned at 9:00 PM

First town hall meeting will be at 7 PM at the Community Center in Correctionville, IA.

Next meeting – Monday, July 23, 2007 – 6:00 PM