

## **Minutes - Woodbury County Zoning Commission Meeting February 25, 2008**

The meeting convened on the 25<sup>th</sup> of February, 2008 at 6:02 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 was absent. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning, Larry DeBuse, Nick Corey, Jerry Steffen, and Scott Gernhart.

**The first agenda was election of your Commission's 2008 Chairperson and Vice-Chairperson.**

**Mr. Rorholm made a motion to table the vote for 2009 Officials until all commissioners are present. Mr. McWilliams seconded the motion; motion carried 4-0.**

**The second agenda was the Chairman's appointment of a 2008 representative to the Siouxland Interstate Metropolitan Planning Council (SIMPCO).**

**Mr. Rorholm made a motion to table selection of SIMPCO Representative until all commissioners are present. Mr. McWilliams seconded the motion; motion carried 4-0.**

**The next agenda was approval Mr. Marx continue to chair the meeting until new officers are elected.**

**Mr. Nelson made a motion Mr. Marx continue chairing the meeting until new officers are elected. Mr. Rorholm seconded the motion; motion carried 4-0.**

**The third agenda was approval of January 28, 2008 Commission Minutes.**

*Mr. Rorholm called attention to the omission of "Paving Agreements" in the list of condition for the Deer Meadow Estates Subdivision.*

**Mr. Rorholm made a motion the minutes be approved subject to amending the minutes to include the Paving Agreement. Mr. McWilliams seconded the motion; motion carried 4-0.**

**The fourth agenda was the consideration and recommendation of the Final Platting for Lost Acres Addition Subdivision.**

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owners Peter E. and Rosanne Van Etten. The Van Ettens stated intent is to subdivide a portion of the existing parcel into a single lot for potential single family residential development and retain the remainder of the parcel where they reside.

The parcel is located in part of the SW ¼ of the SW ¼ of Section 21 and part of the NW ¼ of the NW ¼ of Section 28 Little Sioux Township partially abutting the east side of Jewell Avenue which is a County maintained, graveled roadway. The subdivision's location lies approximately ½ mile north of the intersection of Jewell Avenue and Old Hwy 141. The location lies slightly more than (2) miles from the Smithland corporate limits and will not require subdivision approval by their Town Council.

The parcels are 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 42.0. There are no improvements on the 20.17 acres within proposed Lot 1. Access for driveway purposes would be provided by existing 20' by 169' easement through parcel GIS #8644 21 300 004 to the west owned by Robert W. and Louis L. Morrison. The County's paving policies would apply requiring a recorded paving agreement as a condition for subdivision approval, but, in this case, the applicant does not own frontage abutting the Jewell Avenue right of way.

At your meeting of January 16, 2008 your Commission held the public hearing on this matter and made the recommendation of approval of preliminary platting with no changes or condition. The Board of Supervisors at their meeting of February 19, 2008 considered the final platting and now refers final platting to your Commission for recommendation.

No additional agency comments since your meeting of January 16, 2008.

Discussion:

*Mr. Rorholm questioned why a Paving Agreement was not required for Lost Acres Addition Subdivision.*

*Mr. Pylelo explained it did not require a Paving Agreement because the applicant does not own frontage abutting the Jewell Avenue right of way.*

*Mr. Rorholm noted Paving Agreements were determined by future increased traffic and he would approve the lack of one in this situation.*

*Mr. Pylelo suggested revisiting the policy to provide for non-abutting roadways.*

**Mr. Rorholm made a motion to recommend approval of the final plat for Lost Acres Addition Subdivision; Mr. McWilliams seconded the motion; motion carried 4-0.**

**The fifth agenda was the public hearing and consideration of Preliminary Platting for Bumsted Addition subdivision.**

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Gary and Eileen Bumsted. The stated intent is to subdivide the existing 24 acre parcel into 2 lots for sale of a portion of the parcel. There is currently a single family dwelling and multiple accessory structures on proposed Lot 1. Proposed Lot 2 has no structures.

The parcel lies approximately 2.50 miles south of Anthon and is located in the SW ¼ of Section 17 in Miller Township. The parcel abuts the east side of Morgan Trail and the north side of 250<sup>th</sup> St. both County maintained graveled roadways.

The parcel is zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The weighted average crop suitability rating for the parcel is 39.0. Access for driveway purposes would be provided by two separate driveway locations. Lot 1 would be using the existing drive at 2498 Morgan Trail and a separate drive for Lot 2 is proposed at a location along 250<sup>th</sup> St. The County's paving policies would apply requiring a paving agreement related to both Morgan Trail and 250<sup>th</sup> St. be recorded as a condition of subdivision approval.

The eight (8) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. Notices were also sent to each of the following Agencies or Institutions with responses noted.

NRCS: No Response received

County Engineer: No Response received

DNR: The standard NPDES Permit #2 correspondence is anticipated and will be forwarded to the applicant.

Qwest: No Response received

Woodbury County REC: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response received

Heritage Bank, N.A.: No Response received

Your Commission is asked hold the required public hearing and make recommendation to the Board of Supervisors.

Discussion:

*Mr. Pylelo said standard response from DNR was submitted with incorrect subdivision name. It was returned for correction and Planning and Zoning was waiting for its return.*

*Pylelo also stated response from County Engineer Richard Storm had not responded due to surgery but was expecting a response soon.*

*A discussion ensued regarding adequate drainage issues with Mr. Larry DeBuse (realtor) stating the government provided tile drain pipes, dams, retention ponds, (or whatever was required) for drainage on the parcel in question.*

*A discussion ensued regarding approval of an access road location on the proposed second parcel. Mr. Pylelo will defer location approval subject to Paving Agreement to County Engineer Richard Storm.*

**Mr. McWilliams made a motion the Preliminary Plat for Bumsted Addition Subdivision be approved subject to the following:**

- **Paving agreement be executed and recorded**
- **Location of access road on proposed second parcel**

**Mr. Rorholm seconded the motion; motion carried 4-0.**

**The sixth agenda was any citizen wishing to be heard before the Commission**

Mr. Nick Corey was present to address your Commission regarding the proposed subdivision of 51.3 acres into 16 lots for single family residential development. The location is immediately southeast of the intersection of Glen Ellen and Elk Creek Roads in sections 21 and 28 of Woodbury Township. The subdivision would lie within current parcels 8847 21 452 001 and 8847 28 200 003. The location is zoned AG agricultural and the intended use for single family residential development is permitted. The average CSR rating for the 51.3 acres is unknown.

The proposed location presents the following facts or circumstances:

- The closest incorporated area is the city of Sioux City approximately 6,500' to the west. It can be anticipated Sioux City will exercise its extraterritorial right to subdivision approval.

- The location lies southeast of three Little Sioux River Glen Ellen Subwatershed retention structures. The closest structure is approximately 1000' to the northwest. This structure is currently undergoing rehabilitation as it historically has been categorized as a high hazard structure. Several years ago Woodbury County purchased five parcels including three residences below this structure and three families due to the high hazard nature of the structure near their homes. The County has recorded restrictive deeds to guarantee no structures will be built upon these five parcels as they lie within the water retention structure's water inundation area should the structure fail.
- The location currently lies in part within a Zone A Flood Hazard Area. Mr. Corey has stated his intent to apply for a floodplain development permit with a grading plan meeting County standards. That grading plan would bring the building zones for the 16 lots to sufficient elevations to be considered for removal from the floodplain mapping by Letter of Map Amendment (LOMA) application with FEMA. Should the LOMA application be successful the County's floodplain management ordinances would not be applicable to the building sites.
- The County Engineer's Office has advised us the portion of Glen Ellen Rd. Abutting to the north of the proposed subdivision may be hard surfaced in the future. Any recommendation of approval would be required to be conditioned upon implementation of the County's Paving Policy including a Paving Agreement applicable to Glen Ellen and Elk Creek Roads. It should be noted the roadways alignments and elevations may change at this location when any hard surfacing occurs. The conception plan submitted by Mr. Corey provides for the anticipated additional roadway right-of-way required by Woodbury County should either or both of Glen Ellen or Elk Creek Roads be hard surfaced at this location.

The following documents were attached for your Commission's review:

- The subdivision's Conceptual Layout
- GIS Mapping of the area and parcel information
- Correspondence from Steffen Engineering and flood elevation computations from Iowa State Coordinator for FEMA (Mr. Bill Cappuccio); existing breach study mapping for Little Sioux River Glen Ellen Subwatershed retention structures near location.
- Correspondence from Planning and Zoning Office to Iowa State Conservationist, Al Garner requesting an expanded breach study; Mr. Corey would be responsible for related costs.
- Mapping from County Engineer's office showing location of conduits/culverts in vicinity of proposed subdivision.
- Mr. Corey's proposed restrictive covenants for the subdivision.

NRCS has advised the Planning and Zoning Office it is possible a breach of one of more of the three water retention structures may impact the proposed subdivision's location and that the extended breach study would be required to better determine potential impact if any.

Discussion:

*Jerry Steffen (Steffen Engineering) described how Mr. Bill Cappuccio of FEMA had set the 100 year flood elevation levels and Mr. Corey needed to have his elevation one (1) foot above his floodplain level. Mr. Cappuccio said they needed to be outside of the floodway.*

*Mr. Nelson said this was “prime AG (agricultural) land and it should never be developed.*

*Mr. Corey said because of it’s proximity to Sioux City and Sergeant Bluff, the area appears to be developable and would become residentially dense in the near future. He felt he had made provisions for a waterway to protect from flooding homes that would be set back and bermed.*

*Mr. Steffen thought their provisions would handle the breach analysis.*

*Mr. Pylelo said elevating the houses may funnel water further south, west and east, but he didn’t want to negatively impact anyone downstream.*

*Mr. Nelson commented the water doesn’t go east as much as south and noted the existing irrigation flows south. The railroad embankment prevents it from flowing east.*

*Mr. Nelson said the County went through considerable cost and effort to remove houses from a nearby flood hazard area. Adding numerous homes further south east seems to contradict the intentions of aforementioned effort.*

*Mr. Pylelo said the CSR (Corn Suitability Rating) consideration will eliminate development especially if it is above 60.*

*Mr. Rorholm’s final comment: “It’s an accident waiting to happen.”*

*Mr. Nelson said: “Someone pays the price eventually.”*

*Mr. McWilliams said he wasn’t comfortable with the subdivision plan either.*

*Mr. Corey said concessions he had already made or would be willing to consider were:*

- *Areas where building was currently not allowed would be elevated to 2’ - 4’ above the 100 year flood elevation.*
- *He would put in drain for any excess water to drain into Dead Man’s pond.*
- *He could dig a 10’ – 12’ deep pit filled with rocks so excess water could eventually go underground.*
- *He would revisit drainage situation and include consideration of a breach in the dams.*

*Mr. Pylelo suggested Mr. Corey come back with new data and the possibility of a preliminary plan could be considered. Consideration of the CSR rating could settle it for them.*

**Mr. Rorholm made a motion to recess for five (5) minutes. Mr. McWilliams seconded the motion; motion carried 4-0. Meeting recessed at 7:48 PM.**

**Meeting reconvened at 7:52 PM.**

**The seventh agenda was the Work Session Re: Woodbury County zoning/Subdivision Ordinances and Zoning District Mapping.**

Mr. Simpson continued to review the “*Definitions*” section with your Commission finishing with page 85 and through item #179.

**In the absence of Ms. Zellmer Zant your Commission tabled agenda item #8 (*General discussion regarding agricultural land preservation legislation within the Iowa Code*).**

**The ninth agenda item was discussion of upcoming meeting dates.**

Mr. Pylelo and Consultant Simpson formulated a framework outlining the process and anticipated timeline for your Commission’s recommendation and any proposed ordinance/mapping adoption.

**Dates for final work session meetings:**

**March 11 .....Noon – 9 PM**

**March 24 .....Noon – 9 PM**

**April 08 (if needed) .....Noon – 9 PM**

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

Meeting adjourned 9:37 PM. Next meeting March 11, 2008, 12:00 noon.