

## **Minutes - Woodbury County Zoning Commission Meeting**

**April 8, 2008**

The meeting convened on the 8th of April, 2008 at 12:12 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, Commissioners: Dwight Rorholm, David McWilliams and Arvin Nelson. Excused absence: Commissioner Christine Zellmer Zant. Zoning Staff Present: Director John Pylelo and Clerk Peggy Napier arriving at approximately 2:30 PM. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning; Engineer Bill Dotzler of Dotzler Engineering and Attorney Cody McCullough of the Crary Huff etal Law Firm.

**The first agenda item was approval of March 24, 2008 Commission Minutes.**

**Commissioner Rorholm made the motion to approve the March 24, 2008 minutes as presented with no changes; seconded by Commissioner McWilliams; motion carried 4-0.**

**The next agenda item was any citizen present wishing to be heard.**

Deer Meadow Estate Addition subdivision:

Planning and Zoning Director John Pylelo provided background related to the appearance of attorney McCullough and engineer Dotzler at the meeting and the fact they were present to discuss the Deer Meadow Estates Additon subdivision. It was explained that this matter was not an official agenda item but a chance to discuss informally issues of mutual interest. Mr. Pylelo provided the Commissioners with copies of proposed final platting, the proposed grading plans for the subdivision and a copy of the January 28, 2008 Commission meeting minutes.

Mr. Pylelo stated the preliminary plat had been approved with a number of conditions at the Zoning Commission's January 28, 2008 meeting. The final plat review at the March 24, 2008 meeting of the Zoning Commission was tabled at the applicant's request. Attorney McCullough addressed the Commissioners stating he had recently been retained by Mr. Ron Van Beek, developer of the subdivision, and wished to review a number of the conditions placed upon the subdivision at the January 28th meeting as well as discuss several platting changes he feels should be made.

During preliminary plat approval the Commissioners recommended the condition that the developer provide a statement verifying arrangements had been for fence placement with farm operators owning land to the north and east. Engineer Bill Dotzler joined the discussion between Att. McCullough and the Commissioners. Together they asked the

Commissioners to remove the fence agreement condition stating the property owner to the north does not wish to enter such an agreement. However the property owner to the west does wish such agreement. The developer would like to enter into discussions individually with interested adjacent farm operators at a time subsequent to subdivision approval. Commissioners indicated their willingness to remove the fencing agreement requirement as a condition of any final plat approval recommendation.

The next condition discussed was that of the grading restrictions placed upon lots within the proposed subdivision. Engineer Dotzler previously provided a proposed final plat with fixed 100' by 100' building sites. The platting contained notations that no grading would be allowed outside these predetermined building site areas. Att. McCullough indicated the developer is willing to accept the restriction of grading to the same sized 10,000 sf area. However, the developer asks each lot owner have the flexibility to select where the 100' by 100' area lies within their respective lot providing the selected area meets setback requirements under Woodbury County zoning ordinances. Commissioners indicated their willingness to be flexible and accepting this change in this condition within any final plat approval recommendation. Discussion ensued on how this change to the condition would be reflected on final platting and within the subdivision's restrictive covenants. It was determined appropriate notations appear upon the platting and the grading condition be included within the subdivision's restrictive covenants.

Director Pylelo asked for discussion on grading for any accessory structure should the requested locaton fall outside the selected 10,000 sf area. Discussion ensued with no clear decision being made.

Attorney McCullough requested the Commissioners consider the following final plat changes:

- Removal of the references to "*20' pedestrian easement*" within Lots 16, 17 and 18 as lot owners will have access to all common areas.
- The current labeling of "*Unbuildable Outlots*" and "*Private Roadways*" be changed to "*Tracts*"
- Renaming the easements running along the subdivision's interior private roadway to "*20' private utility easements*" for the purpose of increased infrastructure flexibility and easement administration.

Commissioners indicated their willingness to be flexible toward accepting the above referred to plat changes in any final plat approval recommendation. The Commissions agreed to place final plat review upon a subsequent meeting's agenda upon receiving updated final platting and grading plans incorporating the changes discussed along with a copy of the developer's proposed restrictive covenants. Attorney McCullough agreed to submit the documents to the Planning and Zoning Office.

**The next agenda item was general discussion regarding agricultural land preservation legislation within the Iowa Code.**

General discussion ensued between the Commissioners on the length this agenda item has appeared at the request of Commissioner Zellmer Zant.

**Commissioner Rorholm made the motion to remove this agenda item until it is determined the subject matter requires future discussion; seconded by Commissioner Nelson; motion carried 4-0.**

**Commissioner Rorholm made a motion to recess for lunch; seconded by Commissioner McWilliams; motion carried 4-0.**

Meeting recessed at approximately 12:58 PM

**Commissioner McWilliams made a motion to reconvene; seconded by Commissioner Nelson; motion carried 4-0.**

Meeting reconvened at approximately 1:35 PM

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

Chairman Marx stated he recently received a communication from the Woodbury County Farm Bureau and then distributed photocopies to the Commissioners. He requested the document become a part of the meeting's record. It was noted by the Commissioners that the communication presented was in the form of a seven page letter prepared on paper stock without letterhead, without date or signature. The communication was assigned the notation of "Exhibit A - Letter from WC Farm Bureau received April 8, 2008 via Chairman Marx". cursory review of the document along with Chairman Marx's comments indicated the communication appeared to be Farm Bureau's response from their review of one or more drafts of the Commission's proposed zoning ordinances. The Commissioners determined it would be proper to await a more formal copy of the communication and Chairman Marx was asked to contact Farm Bureau to provide the Office of Planning and Zoning with such a formal copy. Chairman Marx reviewed some of the language within the communication with the Commissioners including the definition of "farm" on page 2. Several topics within the letter were discussed in general. It was then suggested in order to allow the Commissioners and consultant Simpson adequate time to review the letter that the matter be taken up at the next meeting of the Commission. Mr. Simpson made brief comments on those portions of the letter he had a chance to review. Mr. Simpson then agreed to provide a report on the Farm Bureau

communication at the Commission's next meeting

Mr. Riley Simpson then addressed the Commission and reviewed changes to the proposed zoning ordinances made during and since the Commission's March 24, 2008 meeting. Mr. Simpson also advised the Commission of the reasons for the changes. Review and discussion ensued on a number of proposed zoning ordinance language changes including but not limited to:

- Review of changes on page 10 within Section 2.02(3)(C)(2)(f) where language was added for the inclusion of the crop suitability rating (CSR) as a criteria to be considered in making amendments to the zoning district mapping.
- Review of changes on page 10 within Section 2.02(3)(D)(1)(a through f) where language was added related to evaluation criteria to be considered in making amendments to the zoning district mapping. Mr. Simpson agreed additional work was necessary on this section and will re-work this language.
- Review of changes on page 41 within Section 4.12 (3) where language was added related to allowing free-standing on-premise advertising signage being placed within front yards.
- Review of changes on page 47 within Section 5.02(5)(C) where language was added related to prohibition of signage not conforming to corner visual clearance requirements.
- Review of changes on page 47 within Section 5.02(6)(F) where language was added related to exempting community event notice signage from the signage ordinances.
- Review of changes on page 52 within Section 5.03(3) where language was added to Floodplain Management Ordinances to include inundation areas due to dam failures.
- Review of changes of other miscellaneous sections to correct scrivener errors, etc.

Lively discussion was undertaken regarding the addition of language preventing structures within water inundation areas below water retention structures. Discussion focused upon whether the restriction should apply to non-occupied structures. At the conclusion of the discussion Mr. Simpson polled the four Commissioners present with three of the four Commissioners agreeing the restriction should apply to all structures. Chairman Marx requested the record reflect his objection to the inclusion of non-occupied structures within the restriction.

Commissioner Nelson revisited the Crop Suitability Rating (CSR) issue asking if a fixed CSR threshold should be established for denying rezoning or subdivision approval recommendations. That matter was discussed with Mr. Pylelo stating it was his opinion from his past readings of the current ordinance that when the CSR criteria was added

several years ago that the language was intended, and clearly states, that CSR is to be *considered*. There is no indication that CSR is to be considered the sole factor in and of itself. Chairman Marx asked Director Pylelo to determine how other jurisdictions handle the occupied versus unoccupied structure issue and report to the Commission.

Other than noted above, the Commissioners raised no objections to the changes proposed by Mr. Simpson.

The Commission discussed the proposed zoning along the US Hwy 20 corridor just east of Sioux City. The area includes parcels owned by the Orr family.

Discussion ensued on whether to allow the Orr family's request to zone certain parcels with an AG (Agricultural) to GC (General Commercial). It was mentioned that allowing the GC zoning designation may impact the limitation of off-premise signs on the parcels. Consultant Simpson was directed to change the proposed zoning map and not allow the zoning change to GC but to make the change from AG to AE (Agricultural Estate). John Pylelo was directed to contact the Orr family and advise the family of the Commission's recommendation decision.

*(Director Pylelo took notes and provided minutes for above...Peggy Napier took notes and provided following minutes.)*

Mr. Simpson facilitated a review on signage ordinances and tower language. A discussion ensued regarding what ordinances were already in place for lighting on the tower and what FAA standards were.

Chairman Marx, from his piloting experience, stated lighting options for towers were;

1. Paint the tower red and white with a red light on top
2. 24/7 strobes
3. Strobes by day with red by night

Mr. Pylelo commented all our new towers had the third option of strobes by day and red light by night.

Chairman Marx asked when the towers are deemed a nuisance. Mr. Pylelo stated if the towers have not been used for twelve (12) months it has to be proved to the Planning and Zoning Office that it is a nuisance and should be removed. If the tower is maintained and is in good working condition and has dual lighting, it can remain. Once service has ended for the old lighting system the tower has to be updated to dual system. Not doing this could lead to a civil suit.

Mr. McWilliams suggested Mr. Simpson call Mr. Rick McElroy at the airport for language for airport restrictions including structure elevations, bird attracting waterways, etc.

Mr. Simpson said he would be working on amortization language for signs and for tower lighting through page 74 of the plan.

Simpson directed the Commission to page 48 where he added to “C” of #5 of Section 5.02: Sign Requirements, “*Signs must conform to the corner visual clearance requirements of section 4.09*”.

Regarding signage, Mr. Simpson added “*Community Event*” signs as “F” to #6 – Exempt Signs, explaining things such as *Strawberry Festivals* or *Watermelon Festivals* are exempt from the regulations of this Signing section.

Simpson referred to page 49, B. Building Signs:

- (1) Wall signs where it is noted *Home Occupation Signs* at a maximum of *twenty five (25) feet but not above the eave or parapet* are allowed in the AP, AE, and NR zoning districts.
- (3) Projecting Signs – GC and HC – *Minimum Clearance is 14’ over driveway*

Page 50; 8 – Standard for Off-Premise Advertising signs – A: Required Separation in GC and HC zoning districts if *1000 ft. from AE, NR, and SR zones*. Maximum size in GC and HC zoning is *500 sq. ft. + 1 add’l sq. ft. per 1’ add’l separation up to 672 sq. ft.*

Mr. Simpson suggested the new sign ordinances should be sent out to all sign contractors so they know from the beginning what they can and can’t do in rural Woodbury County.

Chairman Marx disagreed saying they have access to the public notices. He equated it to “*waving the red flag in front of the bull.*”

Mr. Simpson stated others had been notified of certain changes. Mr. Nelson commented on a similar issue. They both felt sign contractors deserved the same courtesy.

Mr. Pylelo agreed to give the matter some thought.

Page 68; Section 5.04: Adult Use Regulations - #2. *Added G, H, and I:*

- G. A day care center.*
- H. An Interstate highway right-of-way.*
- I. An incorporated city boundary.*

Mr. Simpson reviewed what had been discussed and what he would bring to the next meeting including comments on the letter from the Farm Bureau.

Director Pylelo informed the Commissioners he had provided a copy of the April 8, 2008 draft of zoning ordinances to the Board of Adjustment at their last meeting. Their Board reviewed Zoning District Dimensional Standards where they questioned the reduction of rear setbacks in the AP and AE zoning districts. Their Board then reviewed the Home Occupation language and raised the issue that retail traffic was not a listed criterion to be considered. Pylelo stated the Board of Adjustment members were asked to take the proposed zoning ordinance language home for review and future comment. Their Board was asked to pay particular attention to the proposed Land Use Summary Table. The Commission then discussed the Board of Adjustment comments but made no zoning ordinance changes related to Board of Adjustment comments.

4/28: at 6 PM - Regular ZC meeting: Any regular agenda items and work session. Simpson cannot attend but will send a copy of ordinance update thru 4/8 meeting.

5/13 Public Town Hall format meeting 6PM....Zoning Office to set up site Sioux City and Merville Community Center were discussed. Peggy Napier will work on reserving location. Zoning Office will work on Advertising and citizen notices.

5/19: Commission Work Session

5/26: Public Hearing Date before the Commission

6/10: BOS public hearing and 1st reading

6/17: BOS 2nd reading

6/24: BOS 3rd reading and consideration for adoption

Ordinances effective date determined by publication and BOS around July 1, 2008.

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

**Time adjourned 4:35 PM.**

**Next meeting 6 PM, April 28, 2008.**