

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

**June 2, 2008**

The meeting convened on the 2<sup>nd</sup> of June, 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, Commissioners: Dwight Rorholm, and David McWilliams, Arvin Nelson, and Christine Zellmer Zant: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning; Rodney and Jodi Lieber.

**The first agenda item was approval of May 19, 2008 Commission Minutes.**

**Commissioner McWilliams made the motion to approve the May 19, 2008 minutes subject to the following changes;**

- **Change date of previous meeting from May 26<sup>th</sup> to May 19<sup>th</sup>.**
- **Correct number of miles in second to last paragraph, page 1, from 25 miles to 1.25 miles.**
- **Change date on page 9, last paragraph, from 1071 to 1971.**
- **Page 3, #9 – listen to tape to verify information in italics is correct. (*information did not change*)**

**The motion was seconded by Commissioner Rorholm; motion carried 4-0.**

**The next agenda item was consideration of final platting for Framax Acres Addition – Parcel GIS #8747 05 200 001...002...006 and...007**

The Woodbury County Office of Planning and Zoning has received a Subdivision application from from Brian Lee Ivener and Alan Ivener, Trustees of the Max Ivener and Francys B. Ivener Family Trust. The proposed site is located in the NE ¼ of Section 05, Liberty Township.

At the Zoning commission meeting of October 22, 2008 your Commission approved preliminary platting subject to numerous conditions. Due to the nature of the conditions placed upon the subdivision and the additional data requested this matter of preliminary plat review was again brought before the commission on April 28, 2008.

The site lies approximately 0.75 miles East of Sergeant Bluff on the South side of seal coated 220<sup>th</sup> St. between paved Old Lakeport Rd. to the West and graveled Barker Avenue to the East. The location is known as GIS Parcels #8847 05 200 001; 8847 05 200 002; 8847 05 200 006; 8847 05 200 007.

The applicants intend to subdivide approximately 102 acres of which 48 acres will be residentially developed into 21 lots. Access to the 21 lots will be primarily from dual driveway locations along three County maintained roadways. There are no existing structures with the exception of one concrete and two metal grain storage bins upon Lot 15.

The final platting now provides for a 54.89 acre Unbuildable Tract which is to remain in agricultural production. Previously the 54.89 acres had potential for future residential development. Access to the Unbuildable Tract will be from 70' access roads from the south side of 220<sup>th</sup> and the east side of Old Lakeport Road. The average crop suitability rating for the 102 acres is 63.0.

Pursuant to the County's paving policy subdivision approval is to be conditioned upon a recorded paving agreement for all Lots fronting 220<sup>th</sup> St. (seal coated) and Barker Avenue (graveled). A copy of the proposed paving agreement is enclosed.

This location is zoned AG (Agricultural), no portion of the property lies within a flood hazard area and the proposed uses are permitted within this zoning district. The location is not within any drainage district but is bordered by the Farmers Drainage District to the north and west. All proposed lot sizes meet the required 2 net acre area minimums for residential development.

As the location is within two (2) miles of the city of Sergeant Bluff the subdivision requires Sergeant Bluff's City Council approval. Sergeant Bluff representatives attended the public hearing on this matter and it is scheduled for review before the appropriate Sergeant Bluff authorities in June.

At your April 28, 2008 meeting you voted to recommend the following conditions be placed upon your approval of the amended preliminary platting for Framax Acres Addition. **Language in bold are comments from the Planning and Zoning Office:**

1. That installation of well and septic systems within the subdivision receive the approval and permitting required from the Siouxland District Health Department. The District Health Department's review and permitting is to take into consideration the water table in the area, soil types, the developer's drainage plan, results of existing and future percolation testing and the proximity of the petroleum plume originating south of Lot 1 on property currently owned by Mary L. Donahue; and
2. The developer receives approval from the Woodbury County Engineer of the subdivision's Drainage Assessment Plan outlined by engineer John A. Munson of

Sundquist Engineering in correspondence dated April 1, 2008. **The County Engineer has orally stated his general approval of the Drainage assessment Plan; (Office has since received a letter from Eng. Storm) and**

3. That notes within the final platting and the subdivision's restrictive covenants include a maximum height restriction for structures of not more than thirty feet (30'). **The final platting and paragraph 1 of the enclosed restrictive covenants meet this condition;** and
4. That reasonable efforts be made to locate and show upon the final platting the locations of buried and inoperable road right of way/ditch culverts, and *(Mr. Pylelo suggested removing #4. Office is satisfied Engineer Storm's office made every effort to locate said culverts).*
5. That potential property owners be advised of the unique water table in the area by reference thereto within the subdivision's restrictive covenants. **A copy of a proposed Restrictive Covenants is enclosed. Paragraph 2 would appear to meet this condition.** That prior to real estate closing buyers be provided copies of the following documentation:
  - The County Engineer approved Drainage Assessment Plan; and
  - A copy of Mr. Jim Bertsch's (Certified Testing Services, Inc.) email of March 28, 2008 discussion ground water information and his recommendation for installation of footing drains around the perimeters of basement footings and that sub-drains be installed under floor slabs; and
  - A copy of certified testing Services Inc.'s percolation testing report (seven pages) dated January 14, 2008.
6. A paving agreement is recorded meeting Woodbury County's paving policies as it applies to the future surfacing of 220<sup>th</sup> St. (currently seal coated) and Barker Avenue (currently graveled). **A copy of a proposed paving agreement is enclosed for your review. It is the opinion of the Planning and Zoning Office that the agreement meets County paving policies.**

At their May 27, 2008 meeting the Board of Supervisor's considered the final platting for Framax Acres Addition subdivision. Supervisors discussed their continuing concerns of additional residential development in the area. The Supervisor's asked the Zoning Director of Planning and Zoning specifically inform the Zoning Commission of the Supervisor's continued serious concerns in regard to:

1. Drainage in the area: and

2. Notification of property owners to the drainage; percolation testing and false water table issues; and
3. County's paving policies being met.

Some Supervisors continue to feel it will take more than limiting development to 21 lots to solve the additional drainage demands created by this subdivision's proposed residential development.

The Supervisor's then went on to voice concern on driveway locations. It was even suggested frontage roads be considered. After discussion the Supervisors shifted discussion from requiring frontage roads to asking the Zoning Commission evaluate a requirement that drives be designed so vehicles would not have to back onto the roadways. This matter was discussed with the attorney for the developer and language was included within paragraph 17 of the subdivision's restrictive covenants.

Discussion:

After discussion your Commission asked to have condition number 4 struck from the list as it is no longer necessary.

**Commissioner Rorholm made a motion to recommend approval subject to;**

**Removal of #4 from list of conditions:**

- *That reasonable efforts be made to locate and show upon the final platting the locations of buried and inoperable road right of way/ditch culverts.*

**Motion seconded by Commissioner Nelson; motion carried 4-0.**

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

Mr. Rodney Lieber approached your Commission to discuss a zoning issue. Director Pylelo had included a memorandum in your packets apprising you of Mr. Lieber's intentions:

In 1997 the Woodbury County Zoning Commission recommended and the Supervisors approved Rodney and Jodi Lieber's application to re-zone a 8.0 acre parcel in Section 18 of Banner Township where they reside from AG (Agricultural) to ML-PD (Light Industrial-Planned Development). Since that time the Lieber Construction Company has operated from the parcel. To expand their business facilities the Liebers now wish to purchase up to a 3 acres of an adjacent portion of

parcel 8945 18 100 004 to the south. The intent is to then combine the two parcels into a single up to 11 acre parcel.

In order to use the additional 3 acres in their construction business they are asking your Commission consider zoning up to an additional 3 acres within parcel 8945 18 100 004 with an appropriate zoning designation for the expansion of their construction business.

Your proposed zoning district mapping for the existing 8 acres parcel is a LI (Limited Industrial) zoning designation. The parcel to the south, from which the additional 3 acres would be acquired, is proposed for an AP (Agricultural Preservation) zoning designation.

Review of the proposed Land Use Summary Table indicates the category of “Construction Contractor Yard” on Page 36 may best fit the Lieber’s current business activity.

This office would suggest the Commission consider including a PD designation on the existing 8 acre parcel or, if approved, on the new 11 acre parcel. Doing so would effectively limit the industrial uses permitted on the parcel to the Lieber’s intended use. Adding a PD designation which would allow one single family residential dwelling could be a way to eliminate a potential non-conforming use issue.

Mr. Lieber distributed signed copies of a letter from himself and Janet McNaughton to your Commission regarding the agreement he and Ms. McNaughton have come to. *(Attached)*

After a brief discussion your Commission agreed they saw no problem with the plan. Director Pylelo asked Mr. Lieber to discuss joining the 3 new acres with the existing 8 acres with the Assessor’s Office.

Chairman Marx asked the Commission be aware of other people in rural Woodbury County who might be in the same/similar spot-zoned situations and asked they be treated fairly by the Commission as well.

**Commissioner Rorholm made a motion to recommend approval; motion seconded by Commissioner Nelson; motion carried 4-0.**

**Chairman Marx asked for a recess. The Commission recessed at 7:07 PM and reconvened at 7:15 PM.**

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

Mr. Simpson reviewed changes made after May 19<sup>th</sup> meeting. Among topics discussed were:

- Subdivisions: *Discussion regarding sanitation and water issues in subdivisions; city water vs rural water vs private wells and city sewer lines vs local water treatment plants vs private sewers.*
- Junk: *Continue with 1971 provisions regarding junk cars in buildings with the vehicle storage receipts removed.*
- Building Permits
- Kennels vs Pets: *Your Commission is not interested in limiting the number of personal pets. Ongoing kennel business is allowed as a conditional use in AP and AE zoned districts.*

**Commissioner Zellmer Zant made a motion to adjourn; Commissioner McWilliams seconded the motion; motion carried 4-0.**

**Meeting adjourned at 9:22 PM.**

**Next meeting will be the public hearing on Monday, June 16, 2008 at 7 PM in the basement of the courthouse.**

**Chairman Marx wished to make a personal comment for the record:**

*I think as a commission we did a very good job. I'm sure there are things that each one of us may or may not like, but that's how it is. I think if there is some blame to come down the road later on I feel as a group we did the best that we could possibly do.*

*I think for the most part as a group we tried to use common sense in our zoning rules and regulations. I feel we did. That's why I brought a lot of my personal examples...could relate that to common sense. I think we need to let the public hear that we did have their thoughts in mind.*

**Commissioner Rorholm added:**

*One of the things the public needs to understand is this is a living document and it can be modified down the road. When there (are) things that are inappropriate or things that need to be changed, it is supposed to be a living document, and all that it takes to make a change is whatever hearings go along with it and the Board (of Supervisors) can make a change; and that's the intention. The intention is not to let it sit and languish for thirty years without any update.*