

Minutes - Woodbury County Zoning Commission Meeting August 23, 2010

The meeting convened on the 23rd of August, 2010 at 6:00 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, David McWilliams, and Mike Knight. Arvin Nelson, and Christine Zellmer Zant were absent due to prior commitments. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Elbert and Dorothy Sargent and Joseph Reuschenberg.

The first agenda was approval of July 26, 2010 Commission Minutes.

Mr. Knight made a motion to approve the minutes subject to the following changes/corrections;

- **Last paragraph on page 5: Shows only second page of LID Memo. Add first page.**
- **Paragraph 10: Change \$45,000 to \$25,000.**

Mr. McWilliams seconded the motion; motion carried 3-0.

The Next agenda item is a public hearing, consideration and recommendation on final platting for Sargent's Home Port Addition subdivision; GIS Parcel #8847 33 302 007.

The Woodbury County Office of Planning and Zoning has received a minor subdivision application from Elbert W. and Dorothy E. Sargent. The applicants request a 2.23 acre parcel be subdivided into two lots. Lot 1 is proposed to be used for the existing single family dwelling which serves as one of the applicants' lake cabins. Lot 2 is proposed to be used for construction of a family member's single family dwelling.

Proposed Lot 1 has an existing driveway location accessing the South side of Bigelow Park Rd. This drive currently services the structures on the parcel to be subdivided as well as the structures on the applicant's adjacent parcel to the west. Bigelow Park Rd. is county maintained hard serviced (asphalt) roadway at this location. The roadway is maintained under past agreement between Woodbury County Conservation Service and Woodbury County Secondary Roads with the Iowa Department of Natural Resources.

As the parcel is zoned SR (Suburban Residential) and is properly zoned for the proposed lot sizes and the additional residential density created should the subdivision be approved.

The fifty-six (56) 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.

County Engineer: *See Attached letter dated August 20, 2010 regarding closure and Lot 2 access issues.*

DNR: *On August 20, 2010 a telephone conference was held with Jeff Joens of the DNR's Des Moines Office. Discussion was held regarding the State of Iowa allowing access through their property to proposed Lot 2. Mr. Joens states there is a process to apply for a Sovereign Lands Permit which allows the private use of state property. However the location, type of use requested and the stated position of Woodbury County Conservation Board would result in DNR staff's denial of the permit. Joens also stated staff's decision can be appealed to the Iowa's Natural Resource Commission. However the appeal process would take a minimum of 60 days and precedent would indicate the appeal would not be successful. (Additionally, Sargents will not need a NPDS permit)*

Western Iowa Telephone: No Response Received

Woodbury County REC: No Response Received

Siouxland District Health Department: Comment from Ron Brandt:

I can see no problems with putting in a septic system on the proposed lot #2 and the only issue would be keeping the distance between septic and all adjoining wells if the system would ever need repaired or replaced on lot #1.

County Assessor: No Response Received

Emergency Services: No Response Received

County Recorder: No Response Received

Real Estate Department: Subdivision name *Sargent's Home Port* subdivision is not available for use. A change in name to *Home Port Addition – A Minor Subdivision* is acceptable.

Board of Supervisors: No Response Received

Long Lines Telephone Company: No Response Received

City Clerk of Salix, Iowa: *Waives their extraterritorial review.*

Woodbury County Conservation Service: See attached letter dated August 19, 2010 from Rick Schneider, Conservation Director for Woodbury County.

Mr. Schneider states the Conservations Board's position relative to Bigelow Park Road providing access to proposed Lot 2. The Conservation Board opposes any additional roadway access being provided (referring to "Sovereign Land Permit").

Doug Chafa of Wildlife Division of DNR: No response received

We enclose final platting, topographical platting, parcel information and on-site pictures recently taken. Should your Commission consider subdivision approval it is recommended any final plat approval consider the following:

- Correct the spelling of the subdivider's last name.
- That acceptable driveway access/egress to proposed Lot 2 be added to the platting;
- That the required 3' side and rear setbacks for Lot 2's metal building be verified in relationship to Lot 2's proposed western and southern lot lines.
- That any future comments or public testimony from of the State of Iowa, the Woodbury County Engineer and Siouxland District Health Department be considered. We anticipate these agencies may provide information relative to platting and legal description closure, driveway access and sight distances, water quality and septic system installation.
- That the Salix, Iowa town council approve final platting or waive their extraterritorial review.

The public hearing was closed with a motion from Mr. Knight and seconded by Mr. McWilliams; motion carried 3-0.

Discussion:

Mr. Reuschenberg agreed to change the subdivision name from "*Sargent's Home Port*" to "*Home Port.*"

The Commission asked that Mr. Rueschenberg obtain a recorded affidavit acknowledging his correction of the final plattings' legal description.

Mr. and Mrs. Sargent's current driveway will have an easement through Lot 1 to Lot 2.

Mr. Knight made a motion to approve the subdivision subject to the following conditions.

- 1. Recorded affidavit from the surveyor, Joseph Rueschenberg, acknowledging his correction of the final plattings' legal description.**
- 2. An easement be obtained and recorded giving access through Lot 1 to Lot 2.**

Mr. McWilliams seconded the motion; motion carried 3-0.

The third agenda item was any citizen wanting to be heard.

No citizens present.

The fourth agenda item was a Study Session: Low Impact Development (LID) ordinances.

The Commission and Mr. Pylelo discussed additional changes. Pylelo agreed to make adjustments and provide commissioners with copies for their approval. They will review again at next meeting.

Mr. Pylelo apprised Commission on progress of FEMA proposed flood map issues.

Mr. McWilliams made a motion to adjourn. Mr. Knight seconded the motion; motion carried 3-0.

Meeting adjourned at 7 PM. Next meeting will be on September 27th at 6 PM.