

Minutes - Woodbury County Zoning Commission Meeting January 27, 2014

The meeting convened on the 27th of January, 2014 at 6:00 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 – Grady Marx, Christine Zellmer Zant, Tom Bride, Bruce Garbe and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. From the public was Jeff Barthole.

The first agenda item was election of 2014 Chairperson and Vice-Chairperson.

The first chairperson vote was a 2-2 tie between Grady Marx and Christine Zellmer Zant with 1 vote for Mr. McWilliams. The second vote for chairperson, Christine Zellmer Zant won with 3 votes for Zellmer Zant and 2 for Mr. Marx. Grady Marx was elected vice-chairperson by a vote of 4-1.

The next agenda item was appointment of 2013 Siouxland Interstate Metropolitan Planning Council (SIMPCO) Commission Representative.

Chairman Zellmer Zant reappointed herself SIMPCO Commission Representative.

The next agenda item was approval of Commission Minutes of September 24, 2012.

Mr. McWilliams made a motion to accept the minutes as read. Mr. Bride seconded the motion; motion carried 3-0 with Mr. Garbe abstaining. He was not part of the commission in 2013.

The next agenda item was a Public Hearing and Recommendation for Barthole First Addition – a Minor Subdivision.

The Woodbury County Office of Planning and Zoning received a subdivision application from Jeffrey and Jennifer Barthole. He applicants wish to split the existing 20.0 acre parcel into two lots in order Lot 1 can be sold. It is intended both Lots 1 and 2 will remain in agricultural production. CSR for the 20 acre parent parcel is 59.30 and within the policy standards allowing subdivision.

No portion of the existing parcel is located within an existing flood hazard designation. As there is no abutting roadway right-of-way the county's paving policy will not apply.

The property of the existing parcel is located in the E1/2 of the SW1/4 of the NE1/4 of Section 3 of Rutland Township approximately 1.5 miles northwest of Pierson approximately 1000' south of the Woodbury-Plymouth County line. The existing parent parcel is assigned GIS Parcel #894303200006.

The property is zoned AP (Agricultural Preservation) with the current agricultural use permitted within this zoning district. For your review find attached:

- Location and parcel information
- Final platting without topographical information
- Final platting with topographical information
- An enlarged topographical map

Note: No photographs were taken as there were no structures existing upon the parent parcel.

The seven (7) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. As of January 27, 2014 no property owner within 1000' has contacted the Planning and Zoning Office offering comment. Notices requesting comment were also sent to each of the following agencies or institutions with responses as of January 23, 2014 noted.

County Engineer: Negotiated with property owner

Department of Natural Resources: No Response Received

Western Iowa Telephone Company: No Response Received

Woodbury County REC: No Response Received

Siouxland District Health Department: No Response Received

County Assessor: No Response Received

County Emergency Services: No Response Received

County Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

Northwestern Bank, Orange City Iowa Attn: Tom Brown

Staff Recommendation: Subject to public hearing testimony staff recommends the Zoning Commission grant a final platting approval recommendation to the Board of Supervisors conditioned upon:

1. The notes Section of the Final Plat Contain the Following:
 - a) The name of the Electrical Utility Provider
 - b) The name of the Telephone Utility Provider
 - c) The Dimensional Standards for the Lots
2. The notes section of the final plat show the correct zoning district designation of *AP (Agricultural Preservation)*
3. Complete the process and then add to the certification page language showing the approval of the final plat by the Town of Pierson or the waiver of the Town of Pierson's extraterritorial review

rights. (Mr. Barthole was not aware of the status of the Pierson approval process).

4. The certification page reflect the language for approval or waiver under item 3 above.
5. That the record of this meeting reflect the fact that should any building permit be filed for placement of structure(s) upon any lot that the permit application will not be approved until a copy of a recorded access and egress easements is provided. The easement(s) will be required to provide access/egress from a lot line point of the respective lot to a point approved by the Woodbury County Engineer adjacent to Woodbury County roadway right-of-way.
6. Add to or correct information provided upon the plat's certification page as follows:
 - a) Add mortgage holder certificate language and signature.
 - b) Within the Dedication language make reference to "Executed in Woodbury County, Iowa."
 - c) Within County Engineer's Certificate correct reference to the Plymouth County Engineer.
 - d) Within Zoning Commission certificate the Zoning Commission Chairman is Christine Zellmer-Zant.
 - e) Within the Board of Supervisor's Resolution change references to Plymouth County to Woodbury County. Signature will be by George W. Boykin, Chairman.

Please make the above additions or changes and provide this office with 10 copies of the final plat and certification page along with the mylar. When received we will place Final Plat Approval upon the Supervisors agenda.

Attached is information from the Recorder's office on specifications required for plat reproduction and recording.

Your Commission is requested to hold the required public hearing, deliberate then vote upon a final plat recommendation.

Jeff Barthole explained his neighbor to the east and he wish to keep the same number of acres but will be split to better fit their farming patterns around the existing terraces. When the split is completed access will be provided....No homes or other buildings will be put on any of the parcels. They would get an access easement from the neighbor recorded if they ever need it. Dorothy (the neighbor) has no intent to sell and neither does Mr. Barthole.

Grady Marx made a motion the public hearing be closed. Mr. McWilliams seconded the motion; motion carried unanimously.

Tom Bride made a motion to recommend approval for Mr. Barthole's minor subdivision; Mr. Marx seconded the motion; motion carried 4-0.

The next agenda item is a study session with recommendation to the Supervisors on the amendment of Woodbury County's zoning ordinances to add language related to the Master Building permit concept and procedures.

At their meeting of January 14, 2014 the Board of Supervisors voted to move forward with a *Master Building Permit* concept forwarding the matter to your Zoning Commission for study and recommendation of ordinance language and procedures.

The Supervisors wish to streamline the building permitting application process for certain types and sized commercial or industrial construction projects. The objective is to make Woodbury County a permitting friendly jurisdiction for large scope construction projects.

Currently the permitting procedures, ordinance definitions and permitting requirements for the very large construction projects become burdensome and administratively expensive for these types of applicants. In general the administrative burden results from the unusual nature, scope, construction techniques, construction staging and extended construction time lines for these types of large projects.

The Supervisors wish to achieve the ability for the Board to negotiate a *Master Building Permit* with a qualifying applicant through the addition of ordinance language allowing the authority. The Supervisors request that existing ordinance language be reviewed, including ordinance definitions, and, if necessary, be changed to achieve this goal. On the night of your meeting the Office of Planning and Zoning intends to submit an initial draft of potential language for your review and study.

The Supervisors have requested this process be expedited and have asked your Commission consider scheduling those additional meetings necessary to quickly finalize your recommendation. Once language is developed your Commission will hold your required public hearing; consider the public testimony and make those additional language changes deemed necessary. Your Commission will then vote to officially submit your recommendation to the Supervisors for their public hearing, consideration and adoption. Throughout the process the Woodbury County Attorney's office will be reviewing the language and may make suggestions to your Commission.

Your Commission is asked to begin the study session process ultimately resulting in your recommendation of ordinance addition/changes which accomplish the Supervisors stated goals.

Mr. Pylelo distributed copies to the commission providing for the addition of the following language within Woodbury County Zoning Ordinances Adopted July 22, 2008; Enacted August 1, 2008; Page11.

Draft #1 Dated 01/27/2014

THE ADDITION OF THE FOLLOWING LANGUAGE ON PAGE 11 AFTER SUBSECTION E TO ALLOW BOARD OF SUPERVISOR AUTHORITY TO ENTER INTO MASTER BUILDING PERMIT AGREEMENTS.

Section 2:02 Administrative Procedures

2. Building Permit Requirement

F. Master Building Permit Authority

The Woodbury County Board of Supervisors shall have the authority to enter into Master Building Permit Agreements. A Master Building Permit Agreement is intended to, but not limited to, providing administrative, technical, dimensional standard, and ordinance language definition relief. Ordinance relief via the Master Building Permit Agreement can be for any master Building Permit application where the Board of Supervisors deems the nature, scope, complexity, construction techniques, construction staging or time line of the project so warrants.

Within the Master Building Permit Agreement process the Woodbury County Board of Supervisors has authority to negotiate and execute an Agreement which changes the applicability of the terms and conditions listed within Articles 1 through 6 inclusive of Woodbury County's zoning ordinances.

Qualification for relief under this subsection shall be determined solely by the Woodbury County Board of Supervisors. In regard to qualification of a particular project the Supervisors may consult with the county offices of Rural Economic Development of Planning and Zoning.

The Woodbury County Board of Supervisors shall further have authority to negotiate any Master Building Permit Application fees under any fee schedule established by section 2.02:2.(3) of the county's zoning ordinance.

(The zoning commission suggested the following changes in the last two (2) paragraphs;

- *In regard to qualification of a particular project the Supervisors shall consult...*
- *[Last paragraph changed to read...] The Woodbury County Board of Supervisors shall establish a written policy statement for criteria qualifying an application.)*

CHANGE #2 – THE ADDITION OF THE FOLLOWING LANGUAGE WITHIN SUBSECTION 166 ON PAGE 93 BY THE ADDITION OF THE FOLLOWING LANGUAGE TO THE DEFINITION OF STRUCTURE.

Section 6.02:166. Structure

Also excluded from the definition of structure are those unoccupied buildings, construction containers or trailers primarily used to store construction materials, construction components, construction equipment or those occupied buildings which primarily provide work space for any prefabrication construction process.

To qualify for the exclusion from the definition as a structure the temporary building, construction container or trailer must be removed from the parcel in its entirety prior to the expiration of the parcel's underlying building permitting.

(The above two (2) paragraphs were discussed at length and finally tabled for a future meeting.)

**A motion was made by Mr. McWilliams to recommend approval of the changes in statement #1 and tabling change #2. Mr. Bride seconded the motion; motion carried 5
Next Agenda Item was Any Citizen wishing to be heard.**

There were no citizens waiting to be heard.

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

Meeting adjourned at 8:25 PM. Next meeting is scheduled for 6 PM, March 24, 2014.