

Minutes - Woodbury County Zoning Commission Meeting July 25, 2005

The meeting convened on the 25th of July, 2005 at 7:00 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Commission members – Chairman Don Groves, Dwight Rorholm, Arvin Nelson, and Grady Marx; Larry Tobin was absent; Zoning Staff: John Pylelo and Peggy Napier; Riley Simpson, Marvin Harrison and Robert Wortman from the public were in attendance. Chairman Groves informed those present the meeting was being audio taped.

The first agenda item was approval of the previous meeting's minutes of May 23, 2005.

Minutes of the May 23, 2005 Zoning Commission meeting were approved on motion made by Mr. Rorholm; seconded by Mr. Nelson; motion carried.

The second agenda item was approval of the previous meeting's minutes of June 22, 2005.

Minutes of the June 22, 2005 Zoning Commission meeting were approved on motion made by Mr. Rorholm; seconded by Mr. Nelson; motion carried.

The third agenda item was the review and recommendation of Preliminary Plats of Harrison Replat of Lot 2 Ridgeview II Addition Subdivision.

In 1981 your Commission recommended approval of the final plat of Stanley Shoop's request to subdivide 75 acres known as the Ridgeview II addition subdivision into 4 Lots. At that time Lot 2 of the subdivision consisted of approximately 58 acres. Subsequently Lots 1 and 2 used their one time reconfiguration allowance when a portion of Lot 2 was reconfigured and included in Lot 1.

Mr. Marvin Harrison, the current owner of Lot 2, now wishes to replat 31.79 acres of Lot 2's approximate 56 remaining acres into 3 lots to be known as Harrison Replat of Lot 2 Ridgeview II Addition subdivision. Each of the three lots will front the south side of 150th St., a paved and County maintained road. A paving agreement will not be required.

The nine nearby property owners within 1000' have been notified of Mr. Harrison proposed replatting with no responses to date. The following agencies have also been notified:

NRCS: No Response Received

County Engineer: The site distance is adequate for proposed lot drives 2 and 3. It may be possible to consider a shared driveway for lots 2 and 3. In our five year construction program we have a project to replace the existing box culvert on 150th St. adjacent to lot 1. We have not done any preliminary engineering. It is possible the roadway would be raised which would impact entrances for lots 2 and 3. This is a situation that we will deal with at the time of construction.

DNR: NPDES general permit #2 is required should the subdivision impose upon or grade more than one acres of ground

Western Iowa Telephone: No Response Received

Mid-American Energy: No Response Received

Siouxland District Health Department: No Response Received

County Assessor: No Response Received

Emergency Services: No Response Received

Real Estate Department: Request to change subdivision name to “Harrison Replat of Part of Lot 2 of Ridgeview II Addition Subdivision”

Board of Supervisors: No Response Received

City of Lawton: No objections

Lot 2 is zoned AG (Agriculture) and does not lie within any flood hazard area. The portion of Lot to be replated has a CSR rating of 47.18.

The Planning and Zoning Office’s review of the Preliminary Plat notes the following:

Proposed driveway locations are omitted;

Right-of- way, side and rear setbacks to show building areas are omitted;

The site plan does not include the remainder of Lot 2 lying in a separate 40 acre parcel to the east;

There is a typo under Water and Sewer information in word presumed to be “provided”.

The County Assessor’s records show the 230.57’ by 377.24’ parcel named “Parcel II of Lot 2” has been combined with Lot 1 under a single parcel number.

On July 7th I received a telephone call from surveyor Robert Wortman who indicated he intends to attend your July 25th meeting and will bring updated preliminary plats to the meeting.

Mr. Rorholm made a motion to recommend to the BOS they approve the preliminary plats of the Harrison Replat of Lot 2 Ridgeview II Addition Subdivision subject to:

- a modification of the verbage on lower right corner of preliminary plat from “Each lot to be *provided* with an approved well and septic system;” to “Each lot will be *required* to have an approved private well and septic system.

- The Harrison replat title be changed from “Harrison Replat of Lot 2 Ridgeview II Addition Subdivision” to “Harrison Replat of Part of Lot 2 of Ridgeview II Addition Subdivision”

Mr. Marx noted that the side setbacks were in excess of AG district requirements. Mr. Harrison responded that was upon his request in consideration of drainage concerns and other potential considerations. This was duly noted by Chairman Groves and added to the motion to approve.

Mr. Rorholm made a motion to approve subject to the above conditions and considerations. Motion was seconded by Mr. Nelson; motion carried.

The fourth Agenda item was a review and update by Riley Simpson of the Woodbury County 2005 General Development Plan:

This was a presentation by Riley Simpson, consultant, of the revisions made to the Woodbury County 25 year General Development Plan after the second round of town hall meetings in the county. Some of the issues discussed follow:

- The timeline for adoption of the General Development Plan.
- Mr. Groves asked if the comments/suggestions/opinions that came from the most recent round of town hall meetings had been incorporated into the draft. Mr. Simpson explained several comments from the meetings were added to pages in Appendix B as a result of the town hall meetings, but changes in the text of the plan itself were based on comments from those meetings. Some of the policy statements were fine-tuned. The negative or critical remarks at the meetings were basically toward Sioux City and the annexation issues.
- Mr. Pylelo expressed Planning and Zoning’s interest in keeping the process of the development plan moving, but wanted to be sensitive to the possibility the Commission had not had adequate time to review the plan or its revisions.
- Mr. Marx requested more time for review so that specific issues such as *who is considered AG exempt* could be discussed in depth. Mr. Marx believes the new policies concerning organic farming could be a good fit for creating satisfactory solutions to those who are for and against AG exemptions. (example: If a landowner has a certain number of acres it is assumed that he is AG exempt. If he is below that threshold level but felt he should have an AG exemption, he could apply for it and prove up to it to Planning and Zoning or the Board of Adjustment.) Possible model is a questionnaire provided by Story County which, after examination and consideration by the Zoning Commission and/or Planning & Zoning is determined to be AG exempt or not.

Mr. Rorholm, Mr. Marx and Mr. Pylelo discussed possible ways to encourage neighbors to follow common sense and courtesy in using their land and placing their structures with mediation from Planning and Zoning while staying within the structures of state law.

Mr. Nelson agreed but stated a threshold was still necessary for the specific intent of protecting agriculture. He always stated "...having a bunch of willy-nilly subdivisions is not good for agriculture." Once larger parcels are divided into many smaller lots, "...the intent of the divisions is not to be agriculture; the intent is to be something else." Mr. Marx pointed out that the Commission had already approved many smaller subdivisions. Mr. Simpson summed it up by stating the Commission needs to come up with a future land use map that describes places that are appropriate for residential development and places outside of that area that do not interfere with agriculturally used land.

Mr. Nelson questioned whether it was the Code of Iowa or the County that requires setbacks for certain expected uses. Mr. Simpson clarified by stating the Code of Iowa says you can't establish any zoning rules for agriculture including setbacks. Mr. Nelson understood that the way it was sounding, regardless of what goes into effect in the development plan, it can go to court and be tested there. Mr. Simpson confirmed that was the direction the plan intended to move in. Mr. Simpson said it had also been discussed with the task force to waive the AG exemption as part of requirement for getting approval for residential subdivisions. Mr. Nelson brought up land situations being grandfathered in as something that is always an issue to deal with, and it brings up the issue of how it can be used if that land is sold. When other things start to develop around it, the ability to develop the land is impacted and the question becomes how far does the grandfather clause carry.

Mr. Simpson brought up the question of farmers being exempt and able to place accessory structures (i.e. bins) up to their lot lines. Mr. Nelson, Mr. Pylelo, and Mr. Simpson commented that if the exempt ordinance was challenged by a neighbor or other citizen, it would not hold up in court unless a question of snow removal, snow drifting, or public safety were brought up.

Loess Hills erosion control was discussed. A stand alone and County wide general water runoff/erosion ordinance was discussed in lieu of any conservation overlay specific to any specific geographical area (i.e. Loess Hills). The standards that are set will result in a product that can be maintained.

Mr. Rorholm suggested an overlay of current developed and undeveloped subdivisions on map for more accurate projection of future development. This brought up issues of the unincorporated areas of Luton and Climbing Hill. Setbacks and minimum area requirements are for the most part already nonconforming and could possibly be handled in a special needs form of bulk requirements.

Salvage and junk vehicle ordinances were discussed next. Mr. Nelson presented this scenario: If a person had owned a junk yard prior to zoning regulations and sold the land, could the nonconforming junk yard continue to be used as a junk yard. Mr. Simpson responded; as long as the junk yard was not expanded upon, it could continue to be used as a junk yard.

Mr. Groves commented it appears exempt farmers "can have all the junk tractors that they

want and there's nothing you can do about it." Mr. Simpson suggested having a nuisance ordinance both in the zoning and outside of the zoning so the violation can be addressed from either direction.

The following additional topics were discussed:

- Subdivisions major and minor
- Definition of *Home Occupation*
- Chart or matrix of permitted uses instead of listing uses per zoning district
- Review of definitions – omitting and including within the definition list those definitions which are actually in the ordinances.

The commission and Mr. Simpson do not feel the draft is ready at this point for recommendation to the Board of Supervisors. Mr. Pylelo suggested and the Commission concurred, they meet again in two (2) weeks to continue review on the General Development Plan.

Mr. Rorholm made a motion the Commission meet again on Monday, August 15, 7pm to continue review on the General Development Plan; Mr. Marx seconded the motion; motion carried.

The fifth Agenda item was general discussion with anyone having business before the Commission.

Mr. Marx, as the Commission's SIMPCO representative, reported on the SIMPCO meetings he has attended to date:

1. The first meeting was a first experience where introductions were made.
2. The second meeting was a SIMPCO golf outing which Mr. Marx did not attend.
3. Mr. Marx had a work conflict with the date of the third meeting but was able to bring materials made available to SIMPCO members for the Commission to review.

Chairman Groves recommended Larry Tobin be contacted regarding his interest in continuing as a member of the Zoning Commission. Mr. Pylelo agreed to contact Mr. Tobin.

Mr. Rorholm made a motion to adjourn; seconded by Mr. Marx; motion carried.

Meeting adjourned 9:15 PM