

## **Minutes – Special Meeting of Woodbury County Zoning Commission January 10, 2006**

The meeting convened on the 10<sup>th</sup> of January, 2006 at 6:20 PM in the conference room of the Planning and Zoning office on the 6<sup>th</sup> floor of the Court House, Sioux City, Iowa. Present were the following Commission members – In the absence of vacationing Don Groves, vice-chair Dwight Rorholm acted as Chairperson, Arvin Nelson, Christine Zellmer Zant, and Grady Marx; Zoning Staff Present: John Pylelo and Peggy Napier. Riley Simpson, consultant for Flat Earth Planning, was also present.

### **The first agenda item was the election of chair and vice-chair, and SIMPCO representative for 2006.**

The SIMPCO representative is actually a member of the board. Mr. Marx, our 2005 representative, said the next meeting would be on the 12th of January.

Mr. Pylelo distributed ballots for the 2006 chairperson to the zoning commission members. The commission was instructed to mark their ballots, fold them in half, and pass them to him. The official tally was 1 vote for Mr. Nelson, 2 votes for Mr. Groves, and 1 vote for Mr. Rorholm. The vote was lacking a quorum and the commission was asked to vote again.

Mr. Rorholm asked Mr. Pylelo if Mr. Groves had an absentee ballot. Mr. Pylelo said he had received an opinion from the county attorney's office advising Mr. Groves needed to be present to vote.

Second ballot: 1 vote for Mr. Rorholm, 3 votes for Mr. Groves. Mr. Groves was elected 2006 chairperson for the County Zoning Commission.

Mr. Pylelo distributed ballots for the 2006 vice-chairperson to the zoning commission members. There were 3 votes for Mr. Rorholm and 1 vote for Mr. Marx. Mr. Rorholm was elected 2006 vice-chairperson for the County Zoning Commission.

A discussion ensued regarding SIMPCO's function in explanation to Christine Zellmer Zant who was chosen to replace Larry Tobin on the commission. Mr. Rorholm and Mr. Simpson explained SIMPCO is a 3 state organization serving 6 or 7 counties put together to locate and issue grants to small towns for new products and acts as a consultant for infrastructures such as sewage treatment plants and economic development for communities and counties in the area. Federal monies also come through SIMPCO to the Department of Transportation for TIP (transportation improvement plan) and roadway work such as Outer Belt Drive.

The commitment as a representative is to go to the meetings and report to the zoning commission. Mr. Marx was interesting in continuing his participation as a representative. It was not clear if Mr. Rorholm as vice-chair was able to appoint Mr. Marx representative. It was determined between Mr. Rorholm and Mr. Pylelo they wait until Mr. Groves return from vacation for the appointment.

**The next agenda item was approval of the previous Commission meeting's minutes of December 15, 2005.**

**Mr. Nelson made a motion the minutes be approved. Mr. Marx seconded the motion. Ms. Zellmer Zant abstained. Motion carried.**

**The next agenda item was the work session and discussions of the new and revised zoning ordinances.**

Vice-chairman Rorholm gave Ms. Zellmer Zant an update of the previous 2 meetings to facilitate her participation in the current work session. Updated versions of the ordinances including topics previously discussed had been emailed and/or mailed to the commissioners through the Zoning office from Mr. Simpson. Mr. Simpson said more than content, he wanted to make sure the commission agreed on the format used. His hope was that the content in the outline form mirrored what the commission was compiling in the table. Mr. Simpson's intent was to use the tables as 'quick reference,' or the 'source' for the information that would be in the outline form. Mr. Simpson asked the commission to review the tables in their spare time, and "...as they think of uses that aren't (currently in the tables), or think of uses that should be on it, let (him) know so he can get them in some logical place and figure out where they go; uses that are shown...that they can't conceive ever happening in Woodbury County...we can x those out. After that the obvious assignment is to make sure that we're saying that it's allowed in the zone that (the commission is) comfortable with." He also stated there is some intent to make the new ordinances feel as comfortable as possible to people who were comfortable with the old ordinance by maintaining many of the same terms, names and titles.

Ms. Zellmer Zant said the table format was impressively concise and easy to interpret. Mr. Pylelo commented from the Planning & Zoning office perspective, the format would be very user-friendly reference in assisting customers with questions.

Mr. Marx had an issue with the verbiage in 4.04. His issue was the possibility of confusion with the words "allowed" and "permitted." Mr. Simpson explained these terms would be clearly defined in the "definitions" section of the draft.

Mr. Marx asked again about horses being categorized as "livestock." Mr. Simpson shared the definition of horses as livestock from Livestock Definitions by Christina L. Gruenhagen of the Government Relations Counsel, Iowa Farm Bureau Federation.

The commission agreed to delete the term "*preservation*" from AGP, or *agricultural preservation*, which came from the 2003 plan. It was decided simply "AG" would be used for clarity and simplification.

Mr. Marx discussed his concept of making progressive AG zoned areas to satisfy a variety of homeowner's needs/desires moving from "AG-1" to possibly "AG-10." Each zone would allow different allotments of farm animals in an AG Residential subdivision. In an attempt to clarify, Mr. Simpson summarized what he felt Mr. Marx was saying:

- Concern with having the word *agriculture* appear in as many zoning district descriptions as possible
  - AG = primary agriculture zone
  - AR = zones that allows for more residential on large lots
  - AR2 (or ?) = what Mr. Marx would prefer to call next level even though the size of these lots have nothing to do with agriculture
  - As has been discussed in the last 2 meetings, when you get to those small lots it's important as part of the subdivision process to encourage people to waive their rights to that AG exemption on that land as part of their approval process so that on their acre, or lot, they're not trying to raise 12 guineas and 3 hogs right next to the neighbor's swimming pool.

Mr. Marx concurred with Mr. Simpson's summary.

Mr. Simpson pointed out at some point *agriculture* needs to be dropped from the description.

Mr. Marx said basically only the larger lots would be allowed the farm animals. Mr. Rorholm and Ms. Zellmer Zant both pointed out what would and wouldn't be allowed in those areas hasn't actually been discussed yet, so it was premature to say unequivocally farms animals would be allowed on all larger lots. Mr. Marx agreed that the commission would have to give them certain guidelines, but in a subdivision it would have to be up to the developer to do that.

Mr. Rorholm said he didn't see all kinds of different (AG and non-AG) options happening in the same section.

Mr. Simpson said the key is when you get to multiple lots on a 40 (more than 2) in exchange for approval of the subdivision there would be standards including a standard waiver of the AG exemption, which means they don't have a *right* to agriculture but within the list of uses you may describe some agricultural uses that should be okay on those kinds of lots.

Mr. Rorholm said in areas farther out in the rural areas in parts of the county too far out to be concerned with annexation, he envisioned any subdivisions that might be developed as having larger lots so agricultural uses would be continued and encouraged. This prompted a discussion on the kinds of roads necessary for the layouts of different subdivisions; i.e. gravel or paved, private or country.

This was followed by discussions about where different subdivisions consisting of different densities would be; broader ones farther out in the county and denser ones closer to incorporated areas. This is already consistent with the yellow areas in the Future Land Use map. If they aren't already in yellow areas, they are close enough for probable annexation such as Whiskey Creek.

Mr. Rorholm explained there is a potential for 32 residences in the 16 quarter/quarter lots that are in a forty (40) acre tract if each 40 acre tract used its single, free split. He further explained the progressive steps from the single free split, which would still allow for full agricultural use and be eligible for farm exemptions; through making the second split (creating the third parcel), which would require the development of a subdivision, the potential for waiving farm exemption, and rezoning to suit the needs/desires of those who purchase the lots. Rorholm

discussed what the size of the third parcel should be while still maintaining the characteristics of an AG district. The general consensus of the commission was for a 2 acre minimum per parcel. Having the characteristics of a city lot would not be desirable in this situation.

The discussion that followed was regarding the various characteristics and designs the subdivisions could take and details regarding access roads from the county road into the individual lots.

Ms. Zellmer Zant asked if new terminology had been determined for the various zoning districts. Mr. Rorholm explained we hadn't gone beyond AG. Zellmer Zant felt there needed to be a logical format, to be able to follow through the tables and definitions in an effective and efficient manner. She suggested the commission establish the district titles before proceeding with the details of those districts. The titles should be something between the 1971 ordinances and those used in the 2003 plan, but they should closely reflect the intent of definition.

A discussion began about pipelines and what areas should be zoned for their use. Mr. Simpson's conjecture was those putting the lines in would expect conditional use permits. He also said pipeline developers were not sovereign and could not side-step local development laws. Mr. Marx stated there was one on his land. Mr. Nelson said he could not "plant a tree within 150' from the line." According to Ms. Zellmer Zant that space was typically considered a utility easement.

Mr. Simpson called the commission to move on to the next district. Mr. Simpson asked if the next should be called Transitional Ag (TA), Ag Residential, or Rural Fringe, a term he came up with. Ms. Zellmer Zant said the 1971 ordinance referred to it as Ag Residential or AR. Mr. Nelson didn't like Transitional Ag. Mr. Marx agreed, adding it didn't really define what it was. Mr. Simpson asked if everyone approved of AR. They did.

There was a discrepancy regarding the definition of Transitional Ag in 2003 and what it was and how it was defined in 1971. Mr. Simpson said in the current draft of the land use plan, Transitional Ag was used as a ring around each one of the (rural) communities other than Lawton and Sergeant Bluff. That doesn't mean this map will be adopted exactly as is and the colored areas marked for zoning. Simpson suggested the commission come up with zoning descriptions that describe exactly what they want to be able to have happen.

Mr. Marx introduced "R-10" into the discussion. Ms. Zellmer Zant said "R-10," from the 1971 ordinances, was proposed as "RR," or *Rural Residential*, for the next moderate density zone.

Mr. Simpson said he wasn't sure what the difference was between the R-10 and R-30. Ms. Zellmer Zant agreed it was confusing. Mr. Pylelo explained R-10 was considered by the zoning department to be *suburban residential* and R-30 was *multiple residential* zoning. Zellmer Zant said she would rather change both areas to RR for *rural residential* because it indicates there is more residential density. Simpson added it also implies when you have AR it's in an agricultural area where the owner can have a horse or a number of other farm animals, whereas RR says they are "living in the country, but you don't get a horse."

At this point, Mr. Marx disagreed. He argued any zone that carried with it the terms *agricultural* or *rural* should be able to have whatever farm animals they want. The owner wouldn't have to have animals, but could if he so desired.

Ms. Zellmer Zant said, "I don't know that we want to get to that point yet. I think that's too flexible...Let's get our names figured out first, then we can decide what they mean"

The district names developed as follows:

AG	agricultural
AR	agricultural residential
RR	rural residential – more residential density but not necessarily subdivisions
SR	suburban residential – indicates subdivisions

At this point Mr. Simpson wanted to clarify a few issues. When there will be more than 2 residences in a 40 acre tract, they will have to subdivide with the intent being to force them to subdivide the entire 40 acres. What size lots they develop it into and what standard of infrastructure is based on what the market will take. We would be having subdivisions with possibly 12 acre lots and only have 3 of those lots on the 40 but it would still be a subdivision in an area that would be zoned AR. If they want to go smaller than 2 acres, 2 acres being the minimum size for AR, they would have to go to the more intensive zone. At that point there would be infrastructure requirements that would kick in.

Ms. Zellmer Zant added, "That would be suburban residential (SR)."

Mr. Marx: "What about rural residential? Where do we put RR?"

Mr. Simpson: "Maybe we don't need a rural residential (RR). I don't know."

Ms. Zellmer Zant: "Is it being too pigeon-holed? There is a lot of duplication between the 2 districts. (ineligible) ...make that more complicated than we need to."

Mr. Simpson asked how much R-30 there actually was. Mr. Pylelo said there was very little. The couple of small pieces existing that almost abut city limits. Simpson asked what was in them. Pylelo explained they were generated back in the 1970s because they were pressured to put multi-unit housing - duplexes, triplexes, quadplexes - that were very limited in nature.

Ms. Zellmer Zant commented logically they were suburban residential. She said in her mind, that made a lot more sense.

Mr. Simpson asked if it was necessary to allow for the potential of telling someone you can't have a duplex but you can build a single family house on 10,000 square feet on what looks like a city street.

Mr. Rorholm said the districts should have a zoning that would allow a mix of multiple family dwellings and single family dwellings and there needs to be another zone that does not allow multiple family structures but single family structures only.

Mr. Marx suggested possibly condos would satisfy both the concept of a multiple family structure and single family structure at the same time. Ms. Zellmer Zant said typically these were not single units, although they could be. Mr. Pylelo said they could consist of up to 8 individual units. Mr. Rorholm suggested possibly condos in the design of townhouses but also suggested condos have inherent problems with certain regulations set up for them. Ms. Zellmer Zant said condos might work around the outskirts of the smaller towns in the county rather than in some of the subdivisions farther out in the rural areas. If these were eventually annexed by the city, they could fit into the city's development plan.

A discussion ensued examining other issues dealing with the condo concept. They discovered it contained a lot of flexibility that would possibly be attractive to contractors and also be conducive to the area.

The commission came to the conclusion they needed to have it spelled out in the zoning district whether multiunit homes would be allowed or not. RR and SR districts appeared to be the most logical districts to allow them.

Mr. Simpson suggested the water and sewer issues would draw the nearby city into the equation pretty quickly. Mr. Rorholm related situations around other cities where the subdivision had actually set up water treatment plants or other services to accommodate the site. Rorholm went on to describe how such a system functions with other state and county departments.

Moving ahead, Ms. Zellmer Zant asked the commission members to look at the description of the Ag Transitional (page 3). Zellmer Zant did not feel the information for that district was useful. She preferred using the description (from page 5) regarding R-10, or Suburban Residential, it gives more information and direction as far as how high the density should be in those areas. Zellmer Zant felt what is defined as Rural Residential (RR) should be included with the Suburban Residential (SR) district and everything 2 acres and smaller would be accommodated in this district.

Simpson clarified the R-10 would be eliminated and only called SR. The difference between AR says you can have a pony and RR says this is residential only. Both have 2 acre lot minimums. New landowners would be required to waive their AG exemption if they buy into an AR, SR or RR subdivision.

AR means you can have minimum 2 acre lots and limited agricultural use. Mr. Rorholm wanted to know if "limited" meant the commission would be able to regulate the number of animals relative to the number of acres they were living on. They discussed this but did not come to a solid conclusion. Covenants were introduced into the discussion as a way to regulate animal numbers and care. The response was mixed but largely opposed.

A discussion ensued regarding those in RR subdivisions living next to AG or AR land owners and the RR landowners having issues about chemicals coming into their environment from farmland or animal presence and odors affecting their quality of living. Zellmer Zant said this would always be a "buyer beware" situation and should be stated as such when people take ownership. Mr. Pylelo made the commission aware of the "Country Living" handbook

Planning and Zoning makes available to those new to the nuances of country life. Ms. Zellmer Zant said the Board of Adjustment likewise advises those who intend to move to the country.

Mr. Simpson tried to lock down a decision on minimum acreage for the AG district. The 2003 plan had a minimum of 3 acres. The commission agreed to a 2 acre minimum for both AG and AR districts.

The table showed 2 acres for dwellings for AR and 5 acres for “other uses.” The commission decided to put a question mark next to it and come back to it later.

The table showed 2 acres for dwellings for RR and the discussion was whether to maintain as little as 10,000 square feet minimum for SR subdivisions, which will involve urban kind of development needing some kind of treatment. One option may be to connect with the city lines. Mr. Rorholm said if it’s in the county, did we want to have places that small? Mr. Simpson replied we have places that small. We need to have a zone that accommodates them. They need to be zoned so they become conforming lots. Some examples of these subdivisions with smaller lots are Brown’s Lake, Climbing Hill and Luton.

Mr. Simpson said we’ve got the existing situations that the commission ought to allow, and they ought to have a provision in case someone comes up with a plan to connect with a nearby incorporated system. However, the town may require owners to sign an agreement to annex when or if the town decides to do so. The subdivision needs to understand this going in. The county should be able to accommodate these nonconforming developments although Mr. Simpson noted “it’s a completely different concept than what you really expect to develop outside of the city.” If the county approves the rezoning of existing nonconforming developments such as Climbing Hill and Luton, but they will have to be able to prove to the commission they are serving the water and sewer needs of those lots. Mr. Rorholm once again stated it was possible for them to put in a 3 cell lagoon and a community well. Mr. Pylelo wondered if one would be able to recuperate the kind of investment it would take for those services when chances are, most people wouldn’t want to build a nice expensive house next to the kinds of homes that exist there now. Ms. Zellmer Zant thought the possibilities were there for that to happen. Mr. Pylelo summarized by saying, “So really what you’re doing is for Climbing Hill and Luton you are providing a zoning district to facilitate their survival.” Ms. Zellmer Zant thought it was responsible for the county to do that. Pylelo said, “Historically, your old zoning basically said...we want to just watch you naturally wither away and die. That’s the message the zoning sent.” Zellmer Zant pointed out over time people were moving out of the small towns, but now the reverse is true. With industries like the dairy farm coming in, employees want to live close to work and are wanting to build homes in towns like Luton.

The commission agreed a 10,000 square foot lot was a reasonable size to put a home on in the suburban residential (SR) district. Mr. Pylelo said he wanted to do an analysis on the present lot sizes so they could negotiate a reasonable lot size.

The commission discussed RMH (Mobile Home Park) next. The general understanding was there needed to be accommodations made for mobile home parks, but how many were actually in the county was questionable. Ms. Zellmer Zant’s understanding was there had been talk of wanting to put in a mobile home park north of the highway down to Brown’s Lake on the west side of the interstate similar to Woodford’s in Sgt. Bluff.

It was agreed that the wording of the RMH district would be cleaned up and reviewed at a later time, but for all practical purposes, it would be left pretty much the same.

It was agreed we would meet again at the regular zoning commission meeting date which was January 23. There were no other agenda items for that meeting and the commission would use it as a work session beginning at 6 PM.

Ms. Zellmer Zant asked if the meeting would be published. Mr. Pylelo said it would not be published, but it would be posted in the lobby of the courthouse.

**Ms. Zellmer Zant made a motion to adjourn; seconded by Mr. Nelson; motion carried.**

Meeting adjourned 9:10 PM