

Minutes - Woodbury County Zoning Commission Meeting November 26, 2007

The meeting convened on the 26th of November, 2007 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 – Chairman Grady Marx, Dwight Rorholm, Arvin Nelson, David McWilliams and Christine Zellmer Zant. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning. Also present from the public were Melvin and Robbin Harrison, Jerry Semple, Aaron LeMore, Dan Moore, Robert Wortman, Aaron Wingert, Dwight Wingert, Brad Hopp, Mitchel and Cindy Bauman.

The first agenda item was approval of October 22, 2007 Commission Minutes.

Mr. Rorholm made a motion to approve the October 30, 2006 meeting minutes subject to adding further comment to the sub-bullet under the seventh (7th) bullet in his motion to read (*in italics*);

- **No wells within 1000' of edge of plume. *Consideration should also be given to a review and analysis of the septic systems.***

Mr. McWilliams seconded the motion; motion carried 4-0.

The second agenda item was a public hearing for the Wingert Addition subdivision and Preliminary Platting recommendation to the Board of Supervisors for a portion of Parcel GIS # 8846 20 300 002.

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owners Dwight Gene and Catherine Joyce Wingert. The applicants intend to subdivide a portion of the current 115.29 acre parcel known as GIS #8846 20 300 002. The parcel currently has two single family dwellings both constructed prior to 1971. No grading is planned.

The parcel is located in part of the SW ¼ of Section 20, Floyd Township abutting the north side of County Home Road a County maintained graveled roadway. The property is zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 49.0. The County's paving policies are applicable. A recorded paving agreement will be required as a condition for subdivision approval.

The location lies within two (2) miles of the Bronson corporate limits and may require subdivision approval by the Bronson Town Council.

The fourteen (14) 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.

NRCS: No Response received

County Engineer: Richard J. Storm's email of November 14, 2007 made the following comments:

"This office has reviewed the preliminary plat forwarded with your November 7, 2007 memo. We generally find that the proposed subdivision is satisfactory and do not foresee any negative impacts to Secondary Roads. The proposed entrance will have adequate sight distance. The backslope at the proposed entrance is higher than the roadway. The property owner will have to do some shaping of this area to keep runoff from the property off the road. It appears that the entrance pipe will be 30" or 36" diameter. We will work with the landowner on that issue. If there are any other problems or concerns please let me know."

DNR: The standard NPDES Permit #2 correspondence was received and forwarded to the applicant.

Western Iowa Telephone: No Response received

Woodbury County REC: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response received

Morningside Bank & Trust n/k/a/ Pinnacle Bank Sioux City: No Response received

Kaneb Pipeline Operating Partnership LP: No Response received

Bronson Iowa City Clerk: No Response received

Discussion:

Discussion ensued regarding whether the more current septic system would be adequate for a new dwelling, the direction of the drain field, if the largest remaining lot would be considered “Lot 2” or an outlot, and other considerations.

Mr. Wingert explained the original house is serviced by a septic system that has a very deep drain or cess pool. The system is west of the 1919 address with the drain field flowing south. It is a working system but Wingert takes it under advisement from Mr. Pylelo District Health may not approve. The more current septic system servicing the 1917 address will also require evaluation by District Health. Pylelo explained when a building permit is obtained for the new parcel, District Health may require the septic system that is attached to the old home be disconnected and attached to only the new dwelling. When this happens, District Health will determine if the system needs to be brought up to code.

Ms. Zellmer Zant noted the cess pool was not shown on the preliminary plat. Mr. Pylelo agreed it should be shown. Zant also wanted to see indications of the water line and the flow direction. Mr. Wingert said the drain field was below the water line. He assured them the water line could be changed if District Health required him to do so.

Mr. Rorholm made a motion to approve the Wingert subdivision subject to the following conditions:

- 1. Clearly identify Lot 1 and Lot 2 on final plat***
- 2. Identify on final plat cesspool serving address 1919 (or Lot 2)***
- 3. Identify on final plat how water line connects to 1919 address***
- 4. Waive the navigation contours for Lot 2 which are the 115 plus or minus acres of land***
- 5. At the completion of construction the trailer be removed in its entirety***
- 6. An easement be prepared and recorded for each lot involved for a common well***
- 7. An easement be prepared and recorded for both lots for probable use of existing septic field that serves house address 1917; the use of the septic field being subject to evaluation by Siouxland District Health and DNR (Department of Natural Resources) regulations.***
- 8. A Paving Agreement be executed and recorded for Wingert Subdivision***
- 9. Driveway that is now associated with house address 1919 and currently serves house address 1917 be destroyed upon completion of the new driveway***

proposed for Lot 1.

10. Driveway connecting the two lots be removed; the potential for it becoming circular drive will not be approved by County Engineer

11. Driveway be graded according to County Engineer's directives

Mr. McWilliams seconded the motion; motion carried 4-0.

The third agenda item was a public hearing and Preliminary Platting recommendation to the Board of Supervisors for Harrison Replat of Lot 6 and Part of Lot 7 of Harrison's Addition – Parcel GIS # 8946 17 100 001 and # 8946 17 100 008

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owners Melvin P. and Robin Harrison. Your commission previously received a platting to allow the replat of Lot 6 Harrison Addition without implementing County subdivision ordinances. While reviewing the Commission's recommendation you also considered a Woodbury County Attorney opinion which in part stated your Board had no authority to waive the implementation of the subdivision ordinances. The Board of Supervisors voted to require the Harrisons follow Woodbury County subdivision ordinances. The Harrison's now request you consider their application to subdivide existing Lot 6 and a portion of Lot 7 of Harrison's addition into four (4) lots.

The Harrison's stated intent is to provide proposed individual Lots 6A and 6C for the respective two dwellings currently located on existing Lot 6. The Harrisons intend to sell proposed Lots 6B and 6D to the current owner of Lots 4 and 5 of Harrison Addition. It is the stated intent of the adjacent property owner to leave proposed Lots 6B and 6D in pasture or agricultural production.

The original Harrison subdivision was approved by your Board in 1978 and consisted of 12 lots. Over time the Harrison family has moved onto selected lots a number of single family dwellings. Woodbury County has previously approved single splits of lot 2 and Lot 7 within the subdivision. The Harrison family also sold certain lots for residential construction or house placement. In some instances the dwelling placements have caused violations of Woodbury County subdivision and zoning ordinances. The proposed replatting of Lots 6 and 7 will resolve certain of those violations. The existing drive serving a number of the single family dwellings has recently been improved. No additional grading is planned. Numerous utility and access/egress easements will likely be required to be reviewed and if necessary updated.

The parcels are located in a part of Section 17 of Concord Township abutting the west side of Buchanan Avenue which is a County maintained, graveled roadway. The subdivision's location lies approximate ¼ mile south of the intersection of 120th St. and Buchanan Avenue.

The location lies within two (2) miles of the Sioux City corporate limits requiring subdivision approval by the City Council of Sioux City.

The parcels are zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 29.0. The County's paving policies will require a recorded paving agreement as a condition for subdivision approval.

The thirty-one (31) 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 Institution with responses noted.

NRCS: No Response received

County Engineer: Conversations with Roger Milligan of the County engineer's office have verified no additional driveway locations will be approved. Ingress/egress to proposed Lot 6B should be required to be from the drive at the Lot 6B's northeastern corner. This driveway location also serves as ingress/egress by easement to Lot 5 to the north. The final platting should be required to show how ingress/egress is to be obtained to proposed Lot 6C.

DNR: The standard NPDES Permit #2 correspondence was previously received and forwarded to the applicant.

Qwest: No Response received

MidAmerican Energy: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: Subdivision name is available for use.

Board of Supervisors: No Response received

City of Sioux City Attn. Senior Planner Brent Nelson: No Response received

Siouxland Federal Credit Union: No Response received

Debra S. Harrison: No Response received with mailing returned as undeliverable.

Discussion:

Discussion ensued involving primarily driveway and easement issues.

Mr. Rorholm made a motion to approve Harrison's Lot 6 and part of Lot 7 of Harrison's Addition subject to the following conditions:

1. A Paving Agreement be executed and recorded for Harrison's Replat of Lot 6 and part of Lot 7

2. Easements:

a. The final plat will not be required to show ingress/egress and utility easement or driveway location to Lot 6-D but Lot 5 will grant legal ingress/egress and utility easement to Lot 6-D or other reasonable means of legal access; and

b. Above item 1 will appear as a Lot 5 notation on final plat; and

c. Access to Lot 6-C is to be shown through Lot 7-A and entirely through Lot 6A to Lot 6-C.

Mr. McWilliams seconded the motion; motion carried 4-0.

The fourth agenda item was any Citizen wishing to be heard before the Commission.

1. Mr. Mitchell and Mrs. Cindy Bauman approached your Commission to discuss the current and future zoning of their twenty-eight (28) acres of pasture land located in Section 9 of Woodbury County.

Currently the land is slated to be zoned SR (Suburban Residential) in the proposed ordinances and regulations. The Bauman's want their land zoned AE (Agricultural Estates). Your Commissioners explained the benefits of SR zoning as well as the ramifications of choosing AE zoning. Ultimately they acknowledged the choice was theirs. The Baumans decided when the changes are approved, they wished to have their land zoned AE.

2. Mr. Grady Marx asked your Commission to change several parcel he owns from AP (Agricultural Preservation) to AE to make them consistent with surrounding land. *(A discussion ensued regarding the intentions of the proposed ordinances and clarification of areas of the maps including AP and AE zoning. Mr. Pylelo explained Mr. Simpson was looking for changes that fit the Future Land Use Map.)* Your Commission agreed to change Mr. Marx's parcels from AP to AE.

Mr. Marx also reminded your Commission Mr. Tom Bride asked per telephone call to Mr. Pylelo certain parcels of his land be changed from AP to AE when the ordinances are approved. Your Commission agreed to changed Mr. Bride's parcels from AP to AE.

3. Mr. Brad Hopp discussed with your Commission the feasibility of several projects he is interested in developing as home businesses. He also discussed several zoning options.

Your Commission advised he develop a cohesive business plan and submit it to Mr. Pylelo, the County Planning and Zoning Administrator for distribution to the Zoning Commission members for further consideration.

Chairman Marx called a recess at 8:15 PM. Meeting reconvened at 8:22 PM.

The fifth agenda item was the Work Session Re: Woodbury County Zoning/Subdivision Ordinances and Zoning District Mapping.

Mr. Simpson continued his review of proposed ordinance language. Ms. Napier reminded Simpson the minutes noted the review of Towers had not been completed. The review began with the *Abandonment* issues. According to Simpson the first responsible party is the lessee; then eventually the land owner. There may not be an announcement of abandonment but your Commission agreed there needed to be something signed so Zoning can pass the problem on to the County Attorney. Mr. Pylelo said he will have the Assistant County Attorney review current language for an opinion regarding who is responsible in abandonment and maintenance issues.

Chairman Marx left at 9:48 PM for an appointment. Ms. Zellmer Zant as vice-chair chaired the remainder of the meeting.

Mr. Simpson gave an overview of the possible use of a table for *Off Street Parking and Loading (Article 5: Section 5.01)*.

In reviewing #3 under Section 5 Mr. Simpson asked how detailed or involved *Paving and Parking* should be. Mr. Pylelo said he preferred to defer to the County Engineer. Secondary Roads interest is through the right-of-way. The owner is liable beyond that. It is up to the owner to provide durable and dustless surfaces. Pylelo also noted few county businesses have paved parking lots. Those who have paved parking lots have customers coming in from gravel roads and carrying the debris with them onto the pavement.

The sixth agenda item was a general discussion regarding land preservation legislation within the Iowa Code.

Ms. Zellmer Zant's land preservation item was once again tabled until the December 17, 2007 meeting due to time constraints.

Ms. Zellmer Zant made a motion to Adjourn; seconded by Mr. Rorholm; carried 3-0.

Meeting adjourned 9:20 PM. Next meeting December 17, 2007, 6 PM