

Minutes - Woodbury County Zoning Commission Meeting

January 26, 2009

The meeting convened on the 26th of January, 2009 at 6:00 PM in the Board of Supervisor meeting room in the Woodbury County Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Grady Marx, David McWilliams, Arvin Nelson, Christine Zellmer Zant and newly appointed commissioner Michael Knight: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public were Sandra Fixel, Debra Wilcox, Tom Fredricksen, Alan Fagan, Pat Phipps, and Nancy Miller.

The first agenda item was election of 2009 Zoning Commission Chairman.

The Commission voted and Mr. Marx was elected Chairman with four (4) votes for Marx and one (1) vote for Mr. McWilliams

The second agenda item was election of 2009 Zoning Commission Vice-Chairman approval of June 16, 2008 Commission Minutes.

The Commission voted and Mr. McWilliams was elected Vice-Chairman with four (4) votes for McWilliams and one (1) vote for Mrs. Zelmer Zant.

The third agenda item was the Chairman's appointment of a representative to serve upon the board of the Siouxland Interstate Metropolitan Planning Commission (SIMPCO).

Chairman Marx appointed Commissioner Knight to represent the Zoning Commission at the SIMPCO meetings.

Director John Pylelo suggested another commissioner go with Mr. Knight to his first meeting to introduce him to the SIMPCO Board. Pylelo also said he would provide Knight with SIMPCO's web address and forward a letter of introduction to the board.

The fourth agenda item was approval of meeting Minutes of July 28, 2008 Commission.

Commissioner Zelmer Zant made the motion to approve the July 28, 2008 minutes; the motion was seconded by Commissioner McWilliams; motion carried 4-0.

The fifth agenda item was the Public Hearing and Consideration of Final Platting for Fixel Addition Subdivision; a minor subdivision – GIS Parcels #8942 06 400 005; 8942 06 400 004; 8942 06 400 002; 8942 06 400 001; 8942 06 200 005; 8942 06 200 003; 8942 06 200 002 and 8942 06 200 001..

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owners Debra and Ryan Wilcox, Denyse and Ronald Meister and Joleen and Todd Zeutenhorst. As this proposed subdivision does not include public improvements the application qualifies as a minor subdivision under Woodbury County's subdivision ordinances enacted August 1, 2008.

The stated intent is to subdivide the existing eight (8) parcels totaling approximately 279 acres into 3 lots for transfer of ownership among family members. The applicant's primary intended use for the proposed lots is for agricultural production.

The closest hard surfaced roadway is 110th St. (Hwy D-12) which abuts the proposed subdivision to the south. The proposed subdivision is bordered to the east by Mason Avenue and to the north by 100th St., both county maintained, graveled roadways. The County's paving policies require a paving agreement be executed by the applicant as it pertains to Mason Ave. and 100th St. as a condition for subdivision approval. *(Legal counsel is currently drafting Paving Agreement.)*

This property is zoned AP (Agricultural Preservation); the current and proposed uses are permitted within this zoning district. The proposed lot sizes meet the required 2 net acre area minimums for single family residential dwellings. Current and proposed dwelling densities meet restrictions under the Agricultural Preservation zoning designation.

The proposed site is located in the SE ¼ of Section 6, Union Township. The site lies approximately 1.0 miles northeast of the town of Pierson. Accordingly, the town of Pierson may elect to exercise their right of extraterritorial review and subdivision approval. *(Pierson approved the "land subdivision outside of city limits" at their regular City Council meeting on December 16th, 2008).* The average weighted crop suitability rating for the parcels is 63.17. No portion of the subdivision lies within a flood hazard area. Ingress/egress would be provided by existing field entrances along the respective roadways.

The eleven (11) 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: Response received: They sent their standard letter stating it did not appear a permit from them would be necessary.

County Engineer: Response received:

I am offering the following comments for your consideration.

- We checked the closure on the whole subdivision plat and found the closure precision to be 1:2,120. Section 7 of the subdivision ordinance requires closure on the subdivision to be 1:10,000 with individual lots required to meet 1:5,000. We did not check individual lots due to the large error of closure on the whole subdivision. The surveyor should check the closure and resubmit the plat prior to final approval. *(Mr. Pylelo agreed to review with surveyor, Mr. Fagan)*
- The current driveway locations meet current county requirements for sight distance. No other proposed driveway locations were noted on the plat. If any other driveways are proposed in the future for this lot, they need to be applied for through the County Engineer's office. *(This concern results from a typo on the plat 7 lines up from the bottom where a "W" for west should be "E" for east. Mr. Fagan will correct the mistake and provide Planning and Zoning with a new plat)*

If there are any more questions or issues that arise late, please contact this office.

Mark Nahra

County Engineer

DNR: No response received:

Frontier Communications of Iowa, Inc: 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

Mr. Alan Lucken – Director Plymouth County Planning and Zoning: Mr. Lucken called to report no comments from Plymouth County.

Board of Supervisors Plymouth County, Iowa: No Response Received

Pierson, Iowa City Clerk: Response noted previously.

Discussion:

The commission discussed the need for a Paving Agreement. Mr. Pylelo (as stated above) said Fixel’s legal counsel is presently drafting the required agreement.

Chairman Marx wanted it noted for the record he is opposed to the requirement of a paving agreement for minor subdivisions and he asked for comments from the commission.

Mr. Pylelo stated this was an issue that would have to be discussed with the Board of Supervisors. Pylelo also explained parties in a subdivision could change in the future and may want to develop more lots, in which case a paving agreement would already need to have been in place. The family could also go to the Board of Supervisors in the future to discuss and/or change this issue.

Commissioner Zellmer Zant commented the lack of a paving agreement for this minor subdivision would set precedence for future minor subdivisions.

Commissioner Knight suggested the subdivision be set up with conditions to safeguard a need for paving agreements in the future.

A motion was made by Commissioner Zellmer Zant subject to:

- 1. Mr. Fagan correct by changing the 21st line of the legal description on the certification portion of the final plat so this line of legal description reads:**

....S.80 degrees 41' 12" E. ALONG SAID WESTERLY LINE FOR 89.41 FEET; THENCE S. 0 DEGREES 56' 50" E. ALONG SAID....

- 2. The Paving Agreement remains as part of the subdivision requirements.**

Commissioner McWilliams seconded the motion; motion carried.

The sixth agenda item is Consideration of final platting for Engelking Addition subdivision; a minor subdivision – GIS Parcels #8745 14 400 006 and #8747 14 400 004.

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Nancy L. Miller. As this proposed subdivision does not

include public improvements the application qualifies as a minor subdivision under Woodbury County's subdivision ordinances enacted August 1, 2008.

The stated intent is to subdivide portions of the existing two (2) parcels totaling 75 acres into a single 4.32 acre lot which contains the existing homestead. The intent is to sell the homestead site. The applicant intends to continue agricultural production on the remaining 70+ acre portions of the existing parcels.

The proposed subdivision abuts Hancock Ave. on its west side. Hancock Avenue is a county maintained, graveled roadway. The County's paving policies require a paving agreement be executed by the applicant as it pertains to Hancock Ave. as a condition for subdivision approval.

This property is zoned AP (Agricultural Preservation); the current and proposed uses are permitted within this zoning district. The proposed lot size meets the required 2 net acre area minimum for single family residential dwellings. Current and proposed dwelling densities meet restrictions under the Agricultural Preservation zoning designation.

The proposed site is located in the SE ¼ of Section 14, West Fork Township. The site lies 2.0 miles east of the village of Climbing Hill. The average weighted crop suitability rating for the parcels is 41.21. No portion of the subdivision lies within a flood hazard area. Ingress/egress to Lot 1 would be provided by an existing driveway entrance on the west side of Hancock Ave.

The seven (7) 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: Response received: They sent their standard letter stating it did not appear a permit from them would be necessary.

County Engineer: Response received:

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it to be in reasonable compliance.
- I noted that the existing house, septic system, and a shed are within less than 100 feet of the road right of way line on the front of the lot. If another house or other buildings are constructed on this acreage, or if the septic system is modified or upgraded, there should perhaps be some requirements recorded that require any new construction to comply with setback current requirements. *(Mr. Pylelo noted the setbacks have grandfather rights; however, if the buildings and septic system are replaced they will have to meet current setback standards. Chairman Marx added "...unless it is AG exempt.")*
- The current driveway location meets current county requirements for sight distance. No other proposed driveway locations were noted on the plat. If any other driveways are proposed in the future for this lot, they need to be applied for through the County Engineer's office.

If there are any more questions or issues that arise later, please contact this office.

Mar J. Nahra, County Engineer

DNR: No response received:

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

Discussion:

Chairman Marx wanted it noted for the record he is opposed to the requirement of a paving agreement for minor subdivisions.

Pat Phipps introduced himself as legal counsel for the Engelkings. Mr. Pylelo advised the County Engineer required a paving agreement for the Engelkings' subdivision. Mr. Phipps said it would be executed and submitted to the Planning and Zoning office.

A motion was made by Commissioner Zellmer Zant subject to recording the Paving Agreement. Commissioner McWilliams seconded the motion; motion carried.

The seventh agenda item was any citizen wishing to be heard.

No members of the public wished to be heard.

Commissioner McWilliams made a motion to adjourn; Commissioner Zellmer Zant seconded the motion; motion carried 4-0.

Meeting adjourned at 6:50 PM.