

Minutes - Woodbury County Zoning Commission Meeting May 24, 2010

The meeting convened on the 24th of May, 2010 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, David McWilliams, Arvin Nelson, Mike Knight, and Christine Zellmer Zant. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Marlin and Kathi Groth and Attorney Pat Phipps.

The first agenda was approval of April 26, 2010 Commission Minutes.

Ms. Zellmer Zant made a motion to approve the minutes; Mr. McWilliams seconded the motion; motion carried 4-0.

The second agenda item was a Public Hearing and Consideration of Final Platting for the Marlin Groth Addition – A minor subdivision.

The Woodbury County Office of Planning and Zoning has received a subdivision application from REJ Farm Enterprises, Inc. The applicant wishes to create a 1.86 acre parcel for sale purposes. The proposed 1.86 acre parcel lies within an existing 35.64 acre parcel located within the NE ¼ of the NW ¼ of Section 18, Merville Township. The existing parcel is zoned AP (Agricultural Preservation). The intended continuation of an agricultural use for the new parcel is permitted within the AP zoning designation. The purchaser of the parcel is Marlin Groth who is aware the parcel's proposed bulk area does not meet standards for issuance of a building permit for a single family dwelling.

The existing parcel is irregular in shape and abuts the south side of 180th St. The location is approximately 2.5 miles southeast of Lawton along a graveled roadway requiring a recorded Paving Agreement as a condition of subdivision approval.

The closest hard surfaced county right-of-ways are approximately 2.0 miles to the north at U.S. Hwy 20 and 2.5 miles to the East at K-64 (Merville Blacktop). The parcel is not within an existing or proposed flood hazard area or drainage district. The parcel's average CSR is 40.2.

The six (6) 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.

County Engineer: Received prior to meeting;

*Mark Nahra, County Engineer
May 20, 2010
RE: Marlin Groth Addition Subdivision*

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated May 7, 2010.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it to be in reasonable compliance with the Zoning Ordinance platting requirements.*
- The existing driveway location has been reviewed by county secondary road staff and meets county requirements for sight distance. There were no requests for new entrances. If additional driveways would be needed for this lot, the owner will be required to contact the secondary road department for approval of any new entrances.*

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

cc: Roger Milligan

DNR: Received standard letter. Copy sent to property owner. No grading anticipated.

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

Proposed Lot 1 is zoned AP (Agricultural Preservation). Mr. Groth states his intention of continued agricultural use which is permitted. However a dwelling restriction has been placed upon Lot 1 as the parcel does not meet the required 2 acre bulk area requirement for dwelling construction.

We enclose final platting, topographical platting, parcel information and on-site pictures recently taken. Should your Commission consider subdivision approval it is recommended any final plat approved consider the following:

- Developer Notes do not provide Utility Providers. We recommend the below be added within final plat notes:

Telephone – Western Iowa Telephone
Electric – Woodbury County (REC)
Water - Private Well (dwelling restriction)
Septic – Individual Private System (dwelling restriction)

Mr. Nelson made a motion to close the public hearing. Mr. McWilliams seconded the motion; motion carried 4-0.

Discussion:

Chairman Marx asked why enough acres couldn't be purchased to make the subdivided parcel meet the legal minimum requirements of 2 acres net.

Attorney for the Groth's, Mr. Pat Phipps, explained the land west is owned by Mr. Scott Kelly who isn't interested in selling any land, and the land to the east is owned by REJ Farm Enterprises, Inc. who did not wish to sell any more farm land and were told a variance would not be required to sell the 1.86 acres.

Mr. Pylelo explained in essence, Zoning is "cleaning up a real estate issue" triggered by a contract sale by REJ Farm Enterprises, Inc. to the Groths which created a legal non-conforming parcel necessitating the creation of a subdivision. He further explained the situation would be made acceptable through subdivision and the addition of the following to the Plat Notes:

- Adding the following utilities to cover any unforeseen future situations;
Telephone – Western Iowa Telephone
Electric – Woodbury County (REC)
Water - Private Well (dwelling restriction)
Septic – Individual Private System (dwelling restriction)
- The execution and recording of a Paving Agreement
- A letter from Mr. Phipps stating an attempt had been made to purchase additional land from Mr. Jansen of REJ Farm Enterprises, Inc.
- The construction of a single family dwelling on this parcel would be prohibited.

Mr. Marx asked the record show an agricultural exempt farmer would not be prohibited from construction of a single family dwelling.

Ms. Zellmer Zant made a motion the minor subdivision be approved subject to the following conditions:

- **Adding the following utilities to cover any unforeseen future situations;
Telephone – Western Iowa Telephone**

Electric – Woodbury County (REC)
Water - Private Well (dwelling restriction)
Septic – Individual Private System (dwelling restriction)

- **The execution and recording of a Paving Agreement**
- **A letter from Mr. Phipps stating an attempt had been made to purchase additional land from Mr. Jansen of REJ Farm Enterprises, Inc.**
- **The construction of a single family dwelling on this parcel would be prohibited.**

Motion seconded by Mr. Knight; motion carried 4-0.

The third agenda item was any citizen wanting to be heard.

No citizens present.

The fourth agenda item was a Study Session: Low Impact Development (LID) Ordinances.

Mr. Pylelo said County Engineer, Mark Nahra, had been invited to attend this study session but cancelled when the understanding was 2 (two) commissioners would not be able to attend.

Mr. McWilliams pointed out the model the commission had received from Golden Hills RCD was almost identical to the IDNR (Iowa Department of Natural Resources). In fact, the model from the IDNR was, in his opinion, more detailed than the Golden Hills RCD model.

Ms. Zellmer Zant preferred to hear the presentation from Golden Hills before discussing LID.

Mr. Marx wondered how Golden Hills is financed and if they stood to make money from their model.

Mr. Pylelo said much of this is County Engineer driven.

Mr. Marx stated the commission was conscientious with runoff issues in the Deer Meadows Addition and felt they could continue being sensitive to similar issues in the future.

Ms. Zellmer Zant asked what the Board of Supervisor's history was in the Loess Hills issues.

Mr. Pylelo explained their history went back to when Maury Welte was a supervisor and interested in protecting the Loess Hills.

Mr. Nelson noted if farmers are in a program they have to be able to present an erosion plan showing farmers are not unfamiliar with this process.

Ms. Zellmer Zant made a motion to adjourn; seconded by Mr. McWilliams. Motion carried 4-0.

Meeting adjourned at 6:45 PM. Next meeting is Monday, June 16th, 2010.