

Minutes - Woodbury County Zoning Commission Meeting July 26, 2010

The meeting convened on the 26th of July, 2010 at 6:00 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, and Christine Zellmer Zant. Mike Knight was absent due to prior commitments. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were WCDES Director Gary Brown, Brian Chamberlain, Danelle Smith, Gary Ryba, Douglas Mordhorst, Richard Wilson, James D. Wilson, Rob Wilson, Lee Blanchard, David Tripp, Jackie Tripp, Nancy Yanak, and Ryan Strom.

The first agenda was approval of June 28, 2010 Commission Minutes.

Ms. Zellmer Zant made a motion to approve the minutes; Mr. Nelson seconded the motion; motion carried 3-0.

Chairman Marx asked for a motion to re-order the agenda items.

Mr. Mcwilliams made a motion to reverse agenda items two (2) and three (3) placing Cody's Minor Subdivision next. Ms. Zellmer Zant seconded the motion; motion carried 3-0.

The second Agenda Item was a Public Hearing and Recommendation for Final Platting Cody Addition – A minor subdivision; GIS Parcel # 8946 23 300 003.

The Woodbury County Office of Planning and Zoning has received a minor subdivision application from Richard Wilson of Wild Oats, LLC. At their July 20, 2010 meeting the Board of Supervisors considered the final platting and forwards to your Commission for public hearing and recommendation.

The property owner requests a 19.56 acre parcel be subdivided into two lots. One of the lots will be 2 acres in size and be used for the construction of a family members single family dwelling. It is the applicant's intention the 17 acre lot will remain in agricultural production. Driveway locations for both lots will be from Charles Ave. which is a graveled and county maintained roadway at this location.

Your Commission has previously recommended re-zoning the parcel from AP (Agricultural Preservation) to AE (Agricultural Estates) to allow for the residential density created by this subdivision request.

The parcel is located within part of the SW 1/4 of the SW ¼ of Section 23, Concord Township north of the intersection of Charles Avenue and 140th St. The current entrance to the parcel is on the east side of the roadway and addressed 1380 Charles Ave. The current parcel is known as GIS parcel # 8946 23300 003.

A recorded paving agreement meeting county paving policies will be required as part of subdivision approval.

A letter was sent to the 15 property owners within 1,000 feet advising them of the public hearing. The sole response was phone call from Mr. Bruce Sorensen. It is anticipated Mr. Sorensen will be in attendance this evening to express his concerns.

Notices were also sent to each of the following Agencies or Institutions with responses noted:

County Engineer: A response was received dated July 17, 2010. The Engineer states the existing field entrance to Lot 2 "... is not adequate for automobiles and lower height vehicles." The Engineer recommends the access drive for Lot 2 be moved 40'-50' south of its current location.

DNR: A response was received dated July 21, 2010. DNR standard NPDES permit #2 requirement. A copy will be provided the developer.

Western Iowa Telephone: No Response Received

Woodbury County REC: No Response Received

Iowa Dept. of Natural resources: No Response Received

Siouxland District Health Department: No Response Received.

County Assessor: No Response Received

County Recorder : No response Received.

Emergency Services: No Response Received

Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

Woodbury County Department of Emergency Services: No Response received

A recorded paving agreement meeting county paving policies will be required as part of subdivision approval.

Mr. Pylelo noted Mr. Bruce Sorenson's phone call to the Planning and Zoning Office on Tuesday, June 29, 2010 repeating his displeasure at the re-zoning making other re-subdivisions possible in this 40 acre parcel. Mr. Sorenson was not present at the July 26th meeting.

Mr. Pylelo asked if Troy and Brenda Groves' border question was resolved. Mr. Douglas Mordhorst of MLS and Associates PLC assured the commission the border he found for Groves' lot was consistent with original lot lines for Compton's Subdivision. Mordhorst left a message on their answering machine relating his findings and they did not return his call.

The public hearing was closed with a motion from Ms. Zellmer Zant and seconded by Mr. McWilliams; motion carried 3-0.

Ms. Zellmer Zant made a motion to approve the subdivision subject to the following conditions.

- 1. A Paving Agreement be recorded which meets county paving policies, and;**
- 2. A change be made in the platting to add a permanent driveway location, per the County Engineer's recommendation, at a position 40-50' to the south of the existing field entrance.**

Mr. McWilliams seconded the motion; motion carried 3-0.

The third agenda item was a Public Hearing and Recommendation Re: Re-zoning Petition of Winnebago Tribe of Nebraska.

The Winnebago Tribe of Nebraska has petitioned a 7.138 acre portion of a 39.00 acre parcel known as GIS parcel #8946 23 100 001 be re-zoned from AP (Agricultural Preservation) to GC (General Commercial). The re-zoning is requested as the current AP zoning designation does not allow off-street parking facilities. At their July 20, 2010 meeting the Board of Supervisors considered the Tribe's re-zoning petition and forwards to your Commission for public hearing and recommendation.

The parcel in which the 7.138 acres to be re-zoned is located lies within part of the NW 1/4 of the NW ¼ of Section 34, Lake Port Township. This location abuts the eastern boundary of the Tribe's reservation. Access to the parcel is currently served from the south side of 330th St. which is a paved and county maintained roadway. The western portion of the parcel contains part of the existing parking lot facilities for the WinnaVegas Casino. The balance of existing parking lies to the west on tribal reservation ground.

The applicant plans a major improvement project for the casino including the addition of a 78 room hotel adjacent to the existing casino. Although the improvement project lies significantly

on tribal land it does include improvements and expansion of the parking lot facilities on tribal owned ground lying outside the reservation. The project will increase lot accommodations for the casino and hotel from approximately 730 to 803 parking spaces.

Current zoning designations in the area are as follows:

Adjacent to the North:	AP
Adjacent to the East:	AP
Adjacent to the South:	AP
Adjacent to the West:	Winnebago Tribe of Nebraska Reservation

We requested written comment on the Winnebago Tribe's expansion project from:

Woodbury County Disaster and Emergency Services – Director Gary Brown has orally informed the Planning and Zoning Office of his knowledge that fire, rescue and law enforcement personnel have had past safety concerns at or near the parcels location. It is anticipated Director Brown will be present to testify.

Woodbury County Engineer/Secondary Roads - No Comment Received to date. Comment is anticipated.

The Woodbury County Sheriff - No Comment Received to Date.

Sloan Fire and Rescue – See letter of June 15, 2010 attached regarding safety concerns raised by Fire Chief, Lee Blanchard, and Asst. Chief, Ryan Strom.

The City of Sloan – See attached letter of June 21, 2010 from the City Council requesting consideration of safety concerns raised by Sloan Fire and Rescue.

The Sloan Police Department - No Comment Received to Date.

The Lake Port Township Trustees: No Comment Received to Date.

STAFF RECOMMENDATION: The parcel is classified as open space/recreation within the County's future land use mapping. The requested zoning is compatible with the current use of a portion of the parcel and the adjacent recreational/general commercial use to the west.

Subject to the agency comment above and any additional public hearing testimony the Woodbury County Office of Planning and Zoning recommends approval of the requested AP (Agricultural Preservation) to GC (General Commercial (GC) re-zoning for the 7.138 acre portion of GIS Parcel # 8647 34 100 001. However, staff would request that any approval recommendation contain the condition the 7.138 acre area be established as an individual parcel.

Mr. Lee Blanchard, fire chief for the Sloan volunteer fire department, explained long-time concerns the department has had; i.e. adequate supply of water for emergency situations,

adequate manpower, equipment to reach above second floor, lack of resources to acquire necessary equipment, lack of official agreement between Sloan volunteer fire department and Winnebago tribe. Mr. Blanchard looks forward to productive communications with the casino.

Ms. Zellmer Zant, Mr. Nelson, and Mr. Blanchard discussed several previous situations where the Winnebago tribe was not billed. They also discussed average costs for emergency fire, medical, and HAZMET services.

Brian Chamberlain said the General Council Leader wants to address safety of employees and guests. He added, to date they had received no invitation for communication but were willing to dialogue.

Winnebago representative Gary Ryba had concerns that issues follow NFPA (National Fire Protection Association) guidelines and IBC (International Building Code) code. The council's plan is to have two (2) side wells that will be tested to meet NFPA guidelines. The test will be witnessed. The council is also agreeable to adding above ground water storage if the wells are not adequate. In addition they will add hydrants if needed.

Mr. Ryba continued saying a new substation will be built to minimize additional load on existing electrical services.

Mr. Chamberlain, tribe Treasurer, wants to assure the commission the tribe intends to meet all codes and guidelines government and town agencies require of them.

Chairperson Marx suggested tabling the rezoning petition until plans are established for a safety meeting.

Mr. Pylelo agreed it could be tabled, but the commission owed it to Winnebago to move forward on their building permit since it involved only the parking lot and they can start building the parking lot any time. However, they could recommend a condition for a safety meeting on the rezoning issue before the Board of Supervisors.

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

No citizens present.

The fifth agenda item was a Study Session: Low Impact Development (LID) ordinances.

Mr. Pylelo distributed the following memo to the commission members:

After hearing testimony it is the opinion of the Commission Woodbury County currently lacks the financial resources to adequately administer and enforce Low Impact Development ordinances. A significant up-front investment in personnel, equipment and training would be required. The nature of the ordinances would only increase the budgets of the Woodbury County Engineer as well as the Office of Planning and Zoning.

Commission members believe any fee schedule established would not recoup the funds necessary to establish the program or totally support the long term monitoring required to properly enforce the ordinances.

The Commission is also of the opinion the significant majority of rural Woodbury County citizens would not be supportive of additional ordinances no matter how well intentioned. Further, citizens may perceive that the additional funding required would come at the combined cost of increased tax burden and reduction in the level of services in other areas.

Adoption of LID ordinances would in fact increase up-front construction costs for the significant majority of rural construction projects.

As the Commission does recognize the benefits of Low Impact Development practices the Commission would recommend in lieu of adoption of Low Impact Development ordinances that the Supervisors consider the adoption of a resolution containing each of the following components:

- That the State of Iowa allocate the necessary manpower and funding to the Iowa Department of Natural Resources to adequately administer, monitor and enforce existing state regulations protecting Woodbury County soils.
- That Woodbury County and its various departments be supportive of programs informing and educating its citizens of the benefits of Low Impact Development practices.

Mr. Pylelo asked the commission to change however they saw fit and he would present it to the Board of Supervisors.

Mr. Marx was adamant the Low Impact Development practices be educational material only. He asked there be no new regulations, and a full disclosure how much money for the LID group comes from special interest groups.

Ms. Zellmer Zant commented rural citizens have called her with concerns about FEMA.

Mr. Pylelo informed the commission if you don't live near a bridge or certain areas BFE (Base Flood Elevations) don't exist. BOS approved \$45,000 to get elevations to several heavily affected areas in Woodbury County. Pylelo and County Engineer Mark Nagra will try to work north but stated the BOS will need to approve more funds to get BFEs for other tiers.

Mr. McWilliams made a motion to adjourn. Ms. Zellmer Zant seconded the motion; motion carried 3-0.

Meeting adjourned at 7:12 PM. Next meeting will be on August 23rd at 6 PM.