

## **Minutes - Woodbury County Zoning Commission Meeting August 25, 2014**

The meeting convened on the 25<sup>th</sup> of August, 2014 at 6:01 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 – Tom Bride, Bruce Garbe, David McWilliams and Grady Marx; Christine Zelmer Zant was out of town. Zoning Staff Present: John Pylelo and Peggy Napier. Lorne Fauth was present from the public.

**The first agenda item was approval of Commission Minutes of July 28, 2014.**

**Mr. McWilliams made a motion to accept the minutes as read. Mr. Garbe seconded the motion; motion carried 4-0.**

**The next agenda item was a Public Hearing and Recommendation to the Board of Supervisors Re: Fauth Addition – a Minor Subdivision.**

Lorne Fauth has filed an application and final platting to subdivide 7.19 acres into 2 lots. The applicant currently resides on the parcel within the existing single family dwelling. The applicant operates an over the road trucking business and wishes to construct an accessory structure and take advantage of using the county's home occupation rules to operate his trucking business. Placement of the proposed structure results in the applicant's request for an additional drive from the west side of Franklin Avenue. Woodbury County's Secondary Roads Department policy provides for only one drive to service a parcel or lot. This fact results in the applicant's request to split the parent parcel which results in the `subdivision procedure being required.

The parent parcel lies in rural Woodbury County approximately 2.0 miles east of Lawton at the northwest corner of Hwy 20 and Franklin Avenue. The parcel lies within a portion of the SE1/4 of Section 34 in Banner Township. The town of Lawton has the right to extraterritorial review and approval.

The parent parcel is zoned AP (Agricultural Preservation); not within a special flood hazard area; does not lie within any drainage district and is serviced by a drive addressed 2387 Hwy 20, Lawton. Current and proposed uses are permitted within the AP zoning district designation. The parent parcel abuts both hard surfaced Hwy 20 an IDOT maintained roadway and graveled Franklin Ave., a county maintained roadway.

As the use of the parent parcel is solely residential no CSR value history for the parcel exists. The average CSR values in the area range from 46.8 to 59.2. This range is within County policy allowing subdivision approval. The existing AP (Agricultural Preservation) zoning district designation permits the potential residential density.

The nine (9) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. As of August 18, 2014 no property owner within 1000' has contacted the Planning and Zoning Office offering comment. Notices requesting comment

were also sent to each of the following agencies or institutions with responses as of August 18 noted.

Iowa Department of Natural Resources: No Response Received

Western Iowa Telephone Company: No Response Received

MidAmerican Energy Company: No Response Received

Siouxland District Health Department: No Response Received

Woodbury County Engineer:

July 28, 2014

Koch Addition – Second Filing

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated July 15, 2014.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access issues. The proposed lot has been reviewed for driveway access and has had a permitted, new driveway installed that meets county sight distance requirements.
- I have no other concerns or issues with this subdivision.

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

Woodbury County Assessor: No Response Received

Woodbury County Emergency Services: No Response Received

Woodbury County Real Estate Department: Subdivision name is available for use

Woodbury County Board of Supervisors: No Response Received

Northern Natural Gas Company: No Response Received.

Woodbury County Soil and Water Conservation Service Attn: Jerry Sindt: No Response Received

Iowa Department of Transportation – No Response Received

Mortgage Electric Registration Systems, Inc. for Mortgage Research Center, LLC  
d/b/a/Veterans United Home Loans: No Response Received

Janet Hasche, Clerk City of Lawton, Iowa – (received after meeting, August 21, 2014)

August 21, 2014  
Janet Hasche – City Clerk – Lawton, IA

Dear John,

The City of Lawton has declined to exercise its extraterritorial review. A copy of the resolution is enclosed.

Please contact me if you need more information.

Janet Hasche  
City Clerk

For your review find attached:

- Location and parcel information
- Parent Parcel Information
- Site pictures
- Final Platting
- Topographical Platting

**Your Commission is requested to hold the required public hearing, deliberate then vote upon a final plat recommendation to the Board of Supervisors.**

**A motion was made by Mr. McWilliams to close the public hearing; Mr. Bride seconded the motion subject to staff recommendations.**

Discussion:

Mr. Bride asked if the County Engineers had any other suggestions for Fauth accessing the back portion of his property other than subdivision.

Mr. Marx stated Mr. Fauth was not trying to circumvent county ordinances, but alleviate safety issues when making wide turns with his trucks onto his property from a very busy Hwy 20. Marx felt decisions by the county engineer amounted to punishment rather than assistance with a valid concern. Marx faulted Planning and Zoning ordinances as well as Secondary Road regulations for creating difficulties for Mr. Fauth when Fauth was simply trying to avoid dangerous situations. Marx suggested Planning and Zoning refund all or part of the money spent by Fauth for the inconvenience of having to subdivide.

Mr. McWilliams and Mr. Bride agreed the money should be refunded to Fauth.

It should be noted Mr. Fauth understood the Planning and Zoning ordinances and was willing to take the steps to comply with the county engineer's regulations; although it appeared to him County Engineer Nahra was hasty and curt considering Fauth's dilemma.

Mr. Pylelo explained his position in carrying out the ordinances as written.

Mr. Marx suggested they be rewritten or amended to correct similar situations. He also stated he wanted to be present to argue the case with the Board of Supervisors. Mr. Pylelo said making recommendations to the board could be arranged.

**Mr. Garbe made a motion to recommend approval of the final plat for Fauth Addition subdivision subject to the following condition;**

**1. The recording of a Paving Agreement meeting County paving policy.**

Discussion then returned to Mr. Fauth's factual circumstances; his additional driveway denial; his parent parcel split and the split triggering a subdivision procedure requirement. Mr. Marx stated that with Mr. Fauth's set of facts he should not have been denied the additional drive and thus should not have been required to establish another parcel to get driveway approval. As such Mr. Pylelo was not doing his job by requiring a subdivision procedure be initiated by Mr. Fauth.

Mr. Marx then went on to state the County Engineer's policies should be reviewed by the Board of Supervisors and be amended to correct the denial of multiple drives under similar circumstances. Mr. Marx stated his desire to be present at such time as the Supervisors review took place to argue this point.

Mr. Pylelo explained the Planning and Zoning Office's position on implementation of subdivision ordinances. Mr. Pylelo further explained that the subdivision ordinances defer regulation of right-of-way and public improvements to the County Engineer. Further, that the County Engineer is to evaluate issues based upon the State of Iowa's SUDAS (Statewide Urban Development and Specifications) standards and any other of those regulations and policies currently enacted. That control and enforcement of the public roadway right-of-way, and access thereto, is given by state statute to the County Engineer.

Discussion then took place on recommending to the Board of Supervisors that the County Engineer driveway policy language should allow an appeal procedure for any driveway permit denial.

After the close of discussion Mr. Pylelo recapped what he understood the Commission intended to vote upon; first to recommend approval of the final plat subject to the paving policy being recorded. Then to recommend to the Board of Supervisors they consider:

1. Reimbursement to applicant Lorne Fauth for all expenses related to his subdivision of GIS Parcel #894534400006; and
2. The Board of Supervisors review the County Engineer's Secondary Road Department policies as they relate to the number of driveway installations allowed per parcel; and that the review include the establishment of an appeal procedure for driveway permit application denials.

**The motion was then amended by Mr. Garbe to recommend approval of the final plat for Fauth Addition subdivision subject to the following condition:**

- 1. The recording of a Paving Agreement meeting County paving policy**

**And to recommend to the Board of Supervisors that they consider**

- 1.) Reimbursement to applicant Lorne Fauth for all expenses related to his subdivision of GIS Parcel #894534400006; and**
- 2.) Instructing the County Engineer to review Secondary Road Department policies as they relate to the number of driveway installations allowed per parcel; and that the review include the establishment of an appeal procedure for driveway permit application denials.**

**The motion was seconded by Mr. Bride; motion carried 4-0.**

**Next Agenda Item was Any Citizen wishing to be heard.**

There were no citizens waiting to be heard.

**Mr. McWilliams made a motion to adjourn. Mr. Garbe seconded the motion; motion carried 4-0.**

Meeting adjourned at 6:40 PM. Next meeting is scheduled for 6 PM, September 22, 2014.