

Minutes - Woodbury County Zoning Commission Meeting July 25, 2016

The meeting convened on the 25th of July, 2016 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 – Tom Bride, David McWilliams, Bruce Garbe, Christine Zellmer Zant, and Barbara Parker. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Eugene L. Dice, Tanya D. Dice, Ronald E. Wauhob Sr., and Colby Lessmann (Vriezelaar Law Firm).

The first Agenda Item is anyone present wishing to be heard on a non-agenda item.

The Zoning Office is not aware of anyone to be heard on a non-agenda item.

The next agenda item is approval of the minutes from the June 27, 2016 meeting.

Mr. Bride made a motion to approve the May 23 meeting minutes as written. Mrs. Parker seconded the motion; motion carried 5-0.

The next agenda item was a Public Hearing and Recommendation to the Board of Supervisors Re: The Final Plat for Deer Run Addition – a Minor Subdivision; GIS Parcel #8847 27 100 004.

Application Background, Location and Zoning

Kathy L. Robley, Executor of the Estate of Dale Raphael Dice, has filed a subdivision application and final platting. The platting proposes to subdivide a 25.09 acre parcel into two (2) lots. The intent is to create independent parcels for the existing building site and the remaining farm ground as part of the probate administration process for the estate. No additional residential development is proposed. Any additional residential development of the lots would require a re-zoning procedure.

The parent parcel lies within rural Woodbury County on the northern side of Elk Creek road approximately 1.2 miles northeast of Sergeant Bluff. The closest intersection is 0.7 miles to the northwest at Elk Creek Road and Glen Ellen Road. The parcel is accessed by the driveway addressed 2025 Elk Creek Road.

The parent parcel is zoned AP (Agricultural Preservation). The parent parcel is not located within any special flood hazard area. The parcel is located within the Farmer's Drainage Ditch. The current and proposed use of the parent parcel and its structures are permitted under Woodbury County zoning ordinances.

CSR

The primary uses of the parent parcel are residential and agricultural. CSR value for the row crop area on the parcel has an average unadjusted CSR2 value of 51.89. This value is below the threshold where county policy discourages subdivision platting approval.

Paving Agreement

The location of the platted lots is abuts graveled county roadway ROW surfaced roadway ROW. County Paving policy will require final plat approval be conditioned upon the recording of a Paving Agreement meeting county paving policies. The Estates legal counsel has been advised of this requirement.

Extraterritorial Review

The city of Sergeant Bluff lies within 2 miles of the proposed subdivision and has the right under state statute for extra-territorial review. On July 11, 2016 the Sergeant Bluff City Council by resolution #16-41 waived the city’s right to said review.

Structures and Utilities

Well and septic systems service the outbuilding and residence on Lot 1. Both structures and the utilities are to be located entirely within Lot 1. No improvements will exist within proposed Lot 2.

Property Owner Notice

The fourteen (14) property owners within 1000’; and listed within the certified abstractor’s affidavit; were notified by letter of the public hearing. As of July 18, 2016 the Planning and Zoning office had not received comment from any property owner owning property within 1,000’.

Agency Comment

The following departments or agencies were provided copies of the platting and asked to make comment. Responses noted are as of October 21, 2015:

MidAmerican Energy Company: No response Received

Woodbury County Soil and Water Conservation District: No Response Received.

Iowa Department of Natural Resources: No Response Received.

Siouxland District Health Department: No response Received

Woodbury County Assessor: No response Received

Woodbury County Board of Supervisors: No response Received

Woodbury County Department of Emergency Services: No response Received

Woodbury County Engineer: No response Received

Woodbury County Recorder-Real Estate Department: The subdivision name has been reserved and is available for use.

City Clerk, City of Sergeant Bluff

Iowa Department of Human Services

State Farm Bank, F.S.B.

Kay Ping, Clerk Farmers Drainage District

Staff Recommendation:

Subject to public hearing testimony the staff recommendation supports a final plat approval recommendation by your Commission including any conditions your Commission terms warranted. Staff recommends the following conditions:

- (1) The recording of a Paving Agreement.
- (2) As Lot 2 does not show an access/egress location along Elk Creek Road ROW any drive/field entrance location is to be approved by the Woodbury County Engineer.
- (3) Certain changes/additions to the final plat as follows:
 - a. Replace the subdivision reference to the Dunn Family Addition in the Auditor's Name approval certificate
 - b. Change the date reference from 2015 to 2016 in the Auditor's Name approval certificate
 - c. Provide by attachment the certification of Sergeant Bluff's waiver of extraterritorial plat review
 - d. Change in two places the name of the Woodbury County Assessor to *Julie Conolly*
 - e. Provide in two places the name of *David McWilliams, Chairman* of the Woodbury County Zoning Commission

Mr. Bride made a motion the hearing be closed. Mr. Garbe seconded the motion; motion carried 5-0.

Comments:

Mr. Garbe asked Mr. Pylelo if the parcel was in the floodzone. Mr. Pylelo assured him that had been taken care of with the LOMA process.

Mr. Bride wanted to iterate Lot 2 could not be built on unless it is rezoned to AE and that depended on the location of the structure.

Attorney Colby Lessman said he was fine with the second access road being anywhere because the land is flat all along the county right-of-way. It will most likely go close to the southeast end of the lot line before an existing line of trees. Mr. Lessman would like the surveyor to spot the access point on the plat. The driveway will be approved by the County Engineer before any action is taken.

Mr. Bride, Mr. Lessman, and Mr. Pylelo noted several changes and corrections to be made on the plat;

- (1) The recording of a Paving Agreement.
- (2) As Lot 2 does not show an access/egress location along Elk Creek Road ROW any drive/field entrance location is to be approved by the Woodbury County Engineer.
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Mr. Bride made a motion to close the public hearing. Mrs. Parker seconded the motion; motion carried 5-0.

Discussion:

There was not discussion.

A motion was made by Mr. Bride to recommend approval of the subdivision subject to the following conditions:

- 1) **The recording of a Paving Agreement.**
- 2) **As Lot 2 does not show an access/egress location along Elk Creek Road ROW any drive/field entrance location is to be approved by the Woodbury County Engineer.**
- 3) **Certain changes/additions to the final plat as follows:**
 - a) **Replace the subdivision reference to the Dunn Family Addition in the Auditor's Name approval certificate**
 - b) **Change the date reference from 2015 to 2016 in the Auditor's Name approval certificate**
 - c) **Provide by attachment the certification of Sergeant Bluff's waiver of extraterritorial plat review**
 - d) **Change in two places the name of the Woodbury County Assessor to *Julie Conolly***
 - e) **Provide in two places the name of *David McWilliams, Chairman* of the Woodbury County Zoning Commission**

The motion was seconded by Mrs. Zelmer Zant; motion carried 5-0.

The Next Agenda Item Is Any Citizen Not On the Agenda Wishing to be Heard.

The Office of Planning and Zoning is not aware of any citizen to be heard on any non-agenda item.

Mrs. Zellmer Zant made a motion to adjourn. Mr. Garbe seconded the motion; motion carried 5-0. Meeting was adjourned at 6:25 PM.