

Minutes - Woodbury County Zoning Commission Meeting May 22, 2017

The meeting convened on the 22nd of May, 2017 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, Shawn Streck, Christine Zellmer Zant, Barbara Parker, and Bruce Garbe. Zoning Staff Present: John Pylelo, Peggy Napier and Dawn Norton. Present from the public were Alan Fagan, Chris Delfs.

The 1st agenda item is hearing any person not on any non-agenda item.

None were heard.

The 2nd agenda item is approval of the minutes from the Commission's April 24, 2017 meeting.

No changes were suggested.

Tom Bride made a motion to approve the minutes, Shawn Streck seconded the motion; motion carried 5 – 0.

The 3rd agenda Item is a Public Hearing and Recommendation to the Board of Supervisors Re: The Final Plat for B. K. Addition - a Minor Subdivision; GIS Parcel #864628300006.

Application Background, Location and Zoning

Brad W. and Brandie M. Koenig have filed a subdivision application and final platting. The final platting proposes to subdivide a 36.26-acre parcel into two (2) lots. The Koenigs request subdivision to create an independent 2.09-acre parcel (Lot 1) for the existing single family dwelling, outbuildings and grain bins, Lot 2 will contain the remaining agricultural ground. Both lots are for sale with closing dates pending. No additional residential development is anticipated.

The parent parcel lies 350' east of the Town of Sloan within rural Woodbury County and abuts the northern side of Hwy 141 a State of Iowa roadway road right-of-way. Lot 1 will be serviced by an existing drive addressed 2009 Hwy 141. Lot 2 will be serviced by a driveway addressed 2035 Hwy 141 and a 25' wide ingress, egress and utility easement through the eastern portion of Lot 1. The lots will be located within a portion of the SW ¼ of the SW ¼ of Section 28, Sloan Township.

The parent parcel is zoned AP (Agricultural Preservation). The current and proposed use of the parent parcel and its structures are classified as legal conforming uses within the stated zoning district designation and Woodbury County zoning ordinances. Any residential development on Lot 2 would require re-zoning to AE (Agricultural Estates).

Flood Plain

A 1.6-acre portion of the northeastern corner of proposed Lot 2 lies within the 100 year flood plain. This flood plain area is to remain in an allowed agricultural production use.

Drainage District

The parent parcel lies within the Farmers Drainage District.

CSR

The parent parcel's average Unadjusted CSR2 value is 87.80 which is above the 65.00 standard used to avoid removing prime agricultural ground from production. However, Lot 1 is currently residentially developed with no intent to develop Lot 2.

Paving Agreement

The location of the platted lots is along paved Iowa Department of Transportation right-of-way. A Paving Agreement meeting paving policy is not required.

Extraterritorial Review

The Town of Sloan is within the 2-mile extraterritorial review area. We anticipate Sloan will require final plat approval by their Town Council.

Utilities

Independent well and septic systems currently service Lot 1.

Property Owner Notice

The none (9)) property owners within 1000' and as listed within the certified abstractor's affidavit submitted with the application have been timely notified of the public hearing. The Planning and Zoning office has 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 the date of this document.

Long Lines: No Response Received

MidAmerican Energy: No response Received

AT&T Communications of the Midwest: 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 Department of Emergency Management: 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.*

Fire Chief of Sloan Fire District: No Response Received

Kay Ping, Clerk - Farmers Drainage District: No Response Received

Sloan State Bank, Sloan, Iowa – No Response Received

Iowa Department of Transportation – No Response Received

Staff Recommendation:

Subject to public hearing testimony, the staff recommendation supports a final plat approval recommendation by your Commission conditioned upon:

- 1) Final Plat approval
- 2) Waiver of extraterritorial review by the Sloan Town Council.

Attachments

Attached find the following documentation for your review:

- A. Subdivision Application
- B. Location and Parcel Information
- C. Pictometry Imagery
- D. Beacon Imagery
- E. Soil Summary and CRP Rating
- F. 100 Year Flood Plain Mapping
- G. Final Platting
- H. Topographical Contour Mapping with structure and utility placements

Your Commission is asked to hold the required public hearing and deliberate. You are then to vote on your on final plat approval recommendation to the Woodbury County Board of Supervisors.

Bruce Garbe made a motion to approve the final plat subject to:

- 1) **Comment from County Engineer.**
- 2) **Pending the City of Sloan Council meeting.** *Al Fagen stated it was approved at the May 18th Sloan Council meeting. He also stated closing date for the house is set for May 31, and agriculture land possibly the same date.*

Barb Parker seconded the motion; motion carried 5-0.

The next agenda item is discussion relative to recently passed state legislation allowing the sale and discharge of fireworks within Woodbury County.

The purpose of this agenda item is to formulate a list of questions Commission members may have and the impact upon potential zoning ordinance amendments.

See attached for your Review:

- A. Legislative Services Agency Fiscal Notes Re: Senate File 489 – Fireworks (LSB2088SZ)
- B. Copy of Senate File 489
- C. May 9 , 2017 newspaper article from the Cedar Rapids Gazette.
- D. May 18 , 2017 screen shot of Iowa State Fire Marshall’s Webpage

- E. See attached flyer for information regarding an upcoming meeting sponsored by SIMPCO scheduled for May 23, 2017 where the fireworks legislation will be reviewed.

The Woodbury County Zoning Director will attend Spring Conference of County Zoning Officials (CoZO) from May 24-26 in Davenport. This event includes a roundtable discussion on the fireworks legislation. It is hoped a clearer picture will emerge of how other county jurisdictions plan to address the legislation.

John Pylelo stated legislation has been passed in Iowa to allow sale and use of certain fireworks within a specific time frame. One person from Woodbury County has expressed interest in opening a stand in a structure currently being used as a storage facility, by June 1. Concerns include safety precautions such as structure materials, distance from stand to surrounding neighbors and fire suppression. Missouri laws have been looked up for reference. More information will be presented at a meeting at SIMPCO on 05/23/17, with more info being available by the end of next week. John is trying to get the Board of Supervisors to act on regulation.

Tom Bride added that locations may be a local issue.

John Pylelo said State will regulate the majority of issues. County will have to make a decision about permits for stands, if they will need building permits. Some issues may not be worked out fully this year, and may be grandfathered in in following years. Stands will be allowed in General Commercial areas such as Hwy 20 and Interstate 29.

Shawn Streck stated organizations such as churches and Boy Scout groups have been selling fireworks in the State of Nebraska.

The next Agenda Item was Any Citizen Wishing to Be Heard.

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

The last Agenda Item was Commissioner Comment or Inquiry.

None heard. (John Pylelo noted the Public Hearing was not closed after Agenda item #3. **Barb Parker motioned to close; seconded by Tom Bride. Motion carried 5-0.**)

Barb Parker motioned for the meeting to be adjourned. Tom Bride seconded. Motion carried 5-0.

Next meeting will be June 26, 2017.