

Minutes - Woodbury County Zoning Commission Meeting August 28, 2017

The meeting convened on the 28th of August, 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, Christine Zellmer-Zant, Bruce Garbe and Barb Parker. Zoning Staff Present: John Pylelo, Peggy Napier and Dawn Norton. No one was present from the public.

1. **The 1st agenda item is hearing any person not on any non-agenda item.**
None were heard.

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

Tom Bride made a motion to approve the minutes; Barb Parker seconded the motion; motion carried 4-0.0.

3. **The 3rd agenda item is a Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owner Randy and Ronnie Hunt Partnership and applicant Woodbury County, Iowa in Section 31 of Westfork Township Re: Resource Extraction Temporary Borrow Pit for Earthen Materials.**

Woodbury County has received a conditional use permit (CUP) application from Randy and Ronnie Hunt Partnership (Hunt) and applicant Woodbury County, Iowa. The application was filed by the Woodbury County Secondary Roads Department (County) and is related to grading and earthen material removal for the County's 280th Street re-alignment project.

The application requests permitting to stage and operate a temporary earthen borrow facility on a portion of the Hunt parcel accessed by the drive addressed 2506 280th St. This drive also provides access to a Hunt family residence located upon an adjacent parcel to the southeast.

The CUP application requests permitting for the staging and operations to remove up to 20,000y3 of soil from the site. Grading and excavation operations will be within an approximate 4.5 acre portion of the 17.57 acre parcel. The intent is to use the borrow for other county row projects within nearby 180th St. and Old Hwy 141 ROW. Should borrow material remain the applicant requests the flexibility to transport to other public ROW locations or to provide excess borrow to the public through June 30, 2018. It is anticipated grading, excavation and soil operations will commence immediately upon permitting. The borrow site will be decommissioned no later than June 30, 2018.

The location of the requested use is located within part of the SE ¼ of the SE ¼ of Section 31 of Westfork Township. This location is at the southeast corner of 280th and Old Hwy 141 (Hwy D25).

Available adjacent haul routes are as follows:

To the north and south: Paved D25 (Old Hwy 141)

To the east and west: Graveled 280th St.

Woodbury County zoning ordinance (Section 3.03:4 - Page 37) provides that *Resource Extraction - Borrow pits for earth material* requires CUP approval by the county's Board of Adjustment.

The parcel is zoned AP (Agricultural Preservation) which supports the applied for conditional use. The parcel does not lie within any rural drainage district and is not within any designated special flood hazard area. The average corn suitability rating (CSR2) for the 17 acre parcel is 40.62.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances further require your Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. Per the ordinances your recommendation is limited to a determination if each of the following standards found within ordinance subsection 2.02-9.F will be met.

Section 2.02-9.F

- (1) *In order to grant a conditional use the Board of Adjustment must determine that:*
 - (a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
 - (b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - (c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*
 - (d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development.*
 - (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
- (2) *Other considerations. In its review of conditional use requests,*
the Board of Adjustment shall consider whether, and to what extent:
 - (a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the*

public interest or will contribute to the general welfare of the neighborhood or community.

- (b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

Staff Recommendation:

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met.

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairperson to provide your recommendation in writing to the Chairperson of the Board of Adjustment.

COMMENTS:

John Pylelo explained the handout material. The project is expected to begin as soon as application is approved and run until approximately June 30, 2018. If there is left-over soil it will be going to other locations. Board of Adjustment could recommend approval with condition of placement of signage by the Woodbury County Engineer.

Tom Bride asked about the owner section of the application. John Pylelo agreed the application needs to be changed to show the Hunt's as owners. He also stated there will be some transfer of property to Woodbury County, not sure of exact acres. We have the original easement documents. Mr. Pylelo also clarified the County does not have fee/title, just easement rights.

Tom Bride asked if there were any issues with the Farmer's Drainage district. Mr. Pylelo answered no.

John also stated this is somewhat an easy application, and the Planning and Zoning staff would approve of it.

Bruce Garbe stated the issue of signage has been brought up in previous meetings, John Pylelo stated Board of Adjustment could make a condition that the County Engineer would control signage. He added that traffic would come out of borrow, go northwest then south to 290th, with some going southwest on 141 then northwest.

Bruce Garbe asked if the Hunt's property needed to be condemned to proceed with the project, Mr. Pylelo stated the Hunt's voluntarily gave it up.

With the following suggestions, Tom Bride made a motion for approval and recommendation to Board of Adjustment; Barb Parker seconded; motion passed 4-0.

- 1) Woodbury County Engineer place signage**
- 2) Change owner portion of application**

4. The 4th Agenda Item is Any citizen wishing to be heard.

The Zoning Office is not aware of any citizen intending to be present to be heard. None heard.

5. **The 5th Agenda Item is Any Commissioner comment or Inquiry**

Staff is available to address any Commissioner comment or concern. None addressed.

Barb Parker motioned for the meeting to be adjourned; Chris Zellmer-Zant seconded; carried 4-0.

Meeting adjourned 6:35 p.m. Next meeting is scheduled for September 25, 2017.