

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM#10
c,dDate: 7/1/20Weekly Agenda Date: 7/7/20**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, CED Director**WORDING FOR AGENDA ITEM:**

Application for Zoning Ordinance Map Amendment: Public Hearing and Ordinance 2nd/Final Reading

ACTION REQUIRED:Approve Ordinance ☒Approve Resolution ☐Approve Motion ☒Public Hearing ☒Other: Informational ☐Attachments ☒**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing to discuss a proposed Zoning District Map amendment which would change the zoning district designation for parcels #884630300012, 884630300004, and 884630300006 (Floyd Township) from Agricultural Presentation to Agricultural Estates. Following the public hearing, the Board will conduct the second reading of an ordinance approving the amendment to the zoning district map. A 60 percent majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20 percent of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing. The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

BACKGROUND:

Brian D. Peterson, owner of parcels #884630300012, 884630300004, and 884630300006 requests to rezone his parcels from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for future residential development use. If approved, the applicant intends to create a 13-lot and 1 out-lot minor subdivision.

This property is located in a quarter-quarter section that already has two residences. Section 3.01 of the Zoning Ordinance states that not more than two residences shall be allowed on any quarter-quarter section (nominally 40 acre) tract; if a property owner wishes to subdivide to create more than two parcels on a quarter-quarter section, concurrently with the platting process the zoning designation should be changed from the AP Zoning District to an appropriate classification.

The Agricultural Estates Zoning District is designed for this type of proposal as its purpose is "to provide for a limited increase in the amount of small acreage development, including a controlled expansion of residential uses in appropriate locations throughout the county.

Parcel #884630300006 includes about 1 acre in the Floodplain Zone A. The most recent draft flood map from FEMA shows the entire project area being in the Special Flood Hazard Area. This issue, along with others were discussed during the Zoning Commission's 6/22/20 public hearing on the request as provided in your backup material. Following the commission's public hearing, they voted (3-0) to recommend approval of the rezone. The commission also approved the plat with the condition the lots be serviced by an internal road or cul-de-sac, and deed restrictions be placed on all lots that would require any structure built on the property be required to elevate 1-foot above the Base Flood Elevation, as determined by the Iowa Department of Natural Resources, and in accordance with the county's floodplain regulations. The Board of Supervisors will review the minor subdivision application subsequent to the completion of this rezone request.

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Open/close public hearing.

Conduct the second reading of the ordinance.

Waive the third/final reading.

It will be effective upon publication date.

ACTION REQUIRED / PROPOSED MOTION:

Open/close public hearing.

Motion to conduct the second reading of the ordinance, and waive the third/final reading.



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser · Director · dgleiser@woodburycountyiowa.gov
Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

**ZONING ORDINANCE MAP AMENDMENT PROPOSAL
Agricultural Preservation (AP) to Agricultural Estates (AE)
Parcels #884630300012, #884630300004, #884630300006**



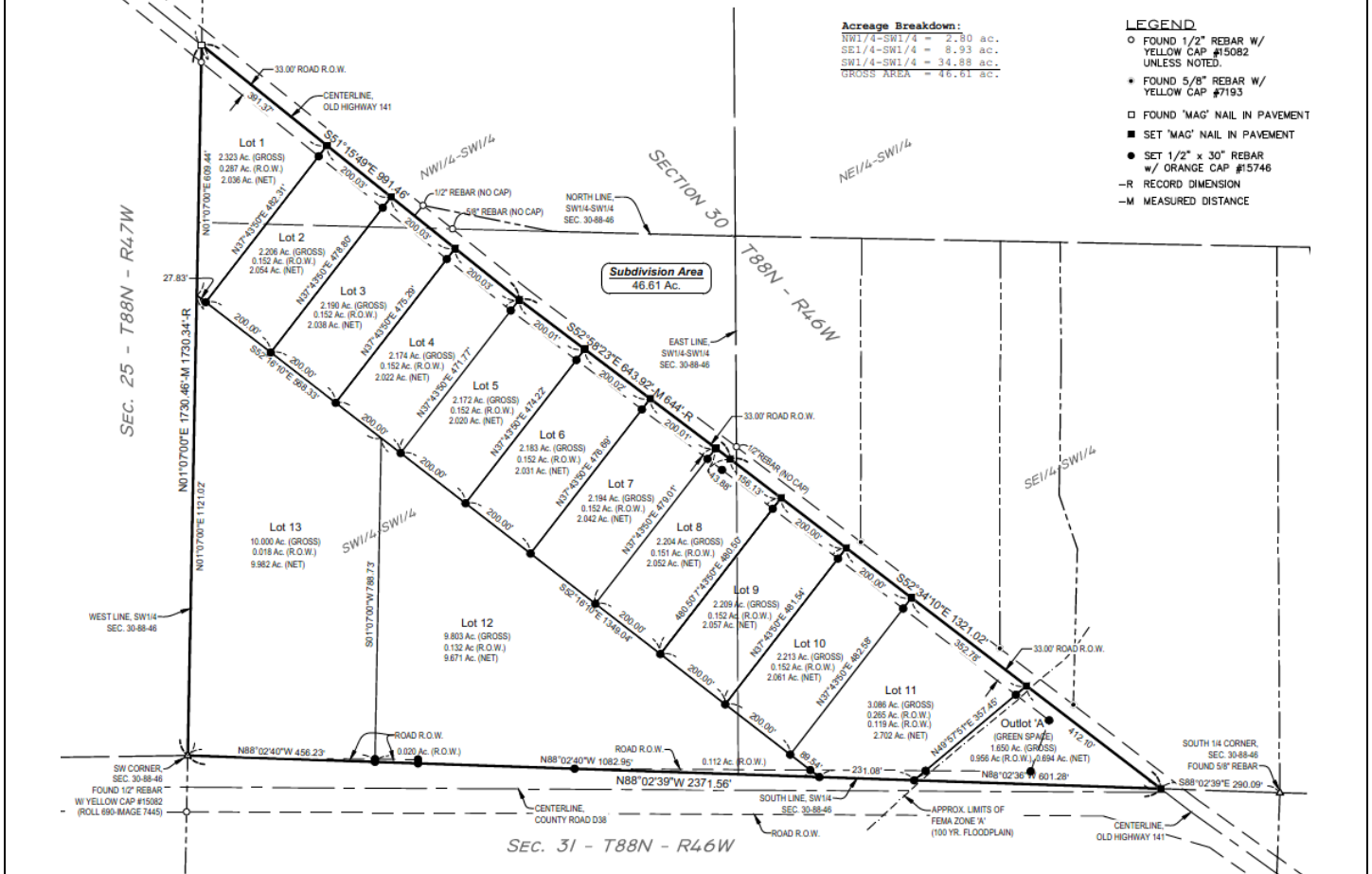
Brian D. Peterson, owner of Parcel #884630300012 located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, T88N R46W (Floyd Township), Parcel #884630300004 located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, T88N R46W (Floyd Township), and Parcel #884630300006 located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, T88N R46W (Floyd Township) requests for the Woodbury County Zoning Commission to review and the Board of Supervisors to approve his request to rezone his three parcels from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision proposal for the creation of thirteen buildable lots for residential homes and an outlot on Parcel #884630300006 which includes about one (1) acre in the Floodplain Zone A.

FACTS OF THE CASE

This proposed Zoning Ordinance Map Amendment (Rezone) from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District is requested and being presented concurrently by the property owner(s) as part of a minor subdivision procedure to create thirteen (13) residential lots and one outlot within a 46.61 acres area.

According to Section 3.01 of the Woodbury County Zoning Ordinance, "not more than two residences shall be allowed on any quarter-quarter section (nominally 40 acre) tract; if a property owner wishes to subdivide to create more than two parcels on a quarter-quarter section, concurrently with the platting process the zoning designation should be changed from the AP Zoning District to an appropriate classification" (p. 24). The AE Zoning District is designed for this type of proposal as its purpose is "to provide for a limited increase in the amount of small acreage development, including a controlled expansion of residential uses in appropriate locations throughout the county" (Section 3.01.2, p. 24).

This rezone request is being presented concurrently with a minor subdivision proposal as the property owner(s) wishes to establish thirteen (13) residential lots and one outlot within a 46.61 acre area.

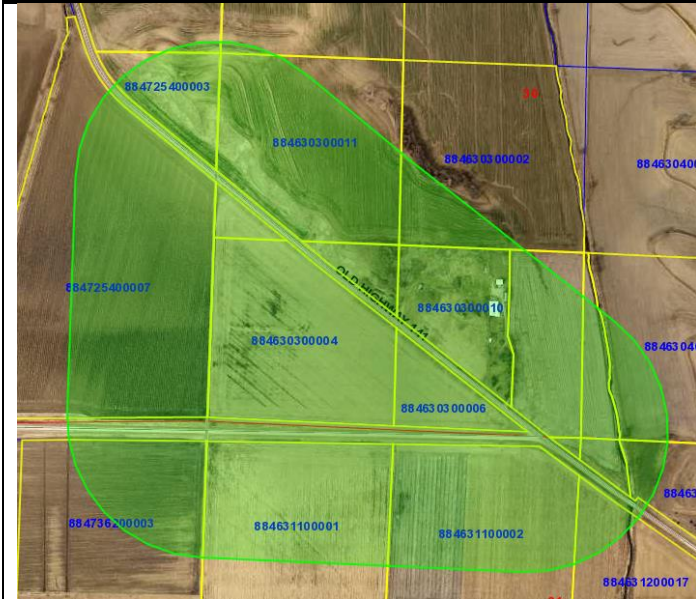


LEGAL NOTIFICATION

Published in the Sioux City Journal Legals Section on June 12, 2020.

PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): Proposal to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District on Lots 1-5 in the Jan's Subdivision, part of Government Lot 1 of Section 2, T88N R47W (Woodbury Township) on Parcels #884702200002, 884702200004, 884702200005, 884702200006, 884702200007 located in the Highway 20 corridor about one mile east of Sioux City and four miles west of Lawton. Applicant: Chad Swanger, Irrevocable Trust, 1856 162nd St., Lawton, IA 51030.

PROPERTY'S OWNER NOTICE – 1000 FT



The 10 property owners within 1,000'; and listed within the certified abstractor's affidavit; were notified by a June 12, 2020 letter of the public hearing.

As of June 18, 2020 the Community & Economic Development office has received two (3) general phone inquiries and five (5) written comments from property owners owning property within 1,000'

When more comments are received after the printing of this packet, they will be provided at the meeting.

GARY L. WALTERS – ADJACENT NEIGHBOR

From: gary walters <garywalters@cableone.net>
Sent: Tuesday, June 16, 2020 4:53 PM
To: Daniel Priestley
Subject: Walnut View subdivision
Attachments: 20190314_160327.mp4

Follow Up Flag: Follow up
Flag Status: Flagged

Video taken from the extreme NW corner of the proposed subdivision on the property line with my farm, with the Peterson land on the left and mine on the right. Video taken on 3/14/19 at 4 pm. I object to the proposed subdivision due to faulty flood plain maps that don't come close to identifying the serious flood threat to this area. To suggest that the flood plain is confined to the extreme SE corner (Outlot A) of this parcel is not only misleading but also blatantly incorrect. If I were a prospective buyer of any of these lots and was relying on FEMA or other information provided by County government to inform myself of the risk of flooding, this video and pictures that follow (in separate emails due to file size) would provide damning evidence that government failed miserably to appropriately inform and warn the public of potential danger.

Submitted by:

Gary L. Walters



GARY L. WALTERS – ADJACENT NEIGHBOR

From: gary walters <garywalters@cableone.net>
Sent: Tuesday, June 16, 2020 4:58 PM
To: Daniel Priestley
Subject: Walnut View
Attachments: 20190314_160551.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Here's the walnut trees along the proposed subdivision adjacent to old hwy 141 on March 14, 2019, in approximately the area of lots 7, 8, and 9. Notice in the background that 210th St disappears under water also.

Submitted by Gary L Walters



GARY L. WALTERS – ADJACENT NEIGHBOR

From: gary walters <garywalters@cableone.net>
Sent: Tuesday, June 16, 2020 5:49 PM
To: Daniel Priestley
Subject: Walnut View
Attachments: 20190314_160439.jpg

Here's another perspective of the water from the NW corner of the subdivision looking SE down old hwy 141. My opinion is that the only lots that might be suitable for any type of structural improvement (without raising elevations) would be 1-6, judging by the plat.

Additionally, I have safety concerns about all the accesses to the highway. I'm sure the county engineer will assess line of sight and other considerations relative to the approaches onto the highway but with the lots being significantly lower than the road grade, plus a slight incline in the road itself as it goes west, I don't see a pathway to safely adding up to 11 driveways in this short distance of less than 1/2 mile.

Another concern would be septic tank drain fields. The majority of the proposed lots would not seem to be sufficient for adequate drainage. I'm uncertain about who addresses the suitability of the plat as it relates to this issue, I just know that soils that are saturated a majority of the time do not lend themselves to a good functioning drain field.

Submitted by Gary L Walters



GARY L. WATERS – ADJACENT NEIGHBOR

From: garylwalters <garylwalters@cableone.net>
Sent: Friday, June 19, 2020 9:06 AM
To: Daniel Priestley
Subject: Flood potential map
Attachments: Screenshot_20200619-081244_Chrome.jpg

Dan, attached is a map from the Iowa Flood Center. I suppose the county has seen this information as it reevaluates the flooding potential of the Walnut View subdivision but I wanted to be sure you have it as part of my argument that this tract of land is unfit for residential development.

Gary

Sent from my Verizon, Samsung Galaxy smartphone

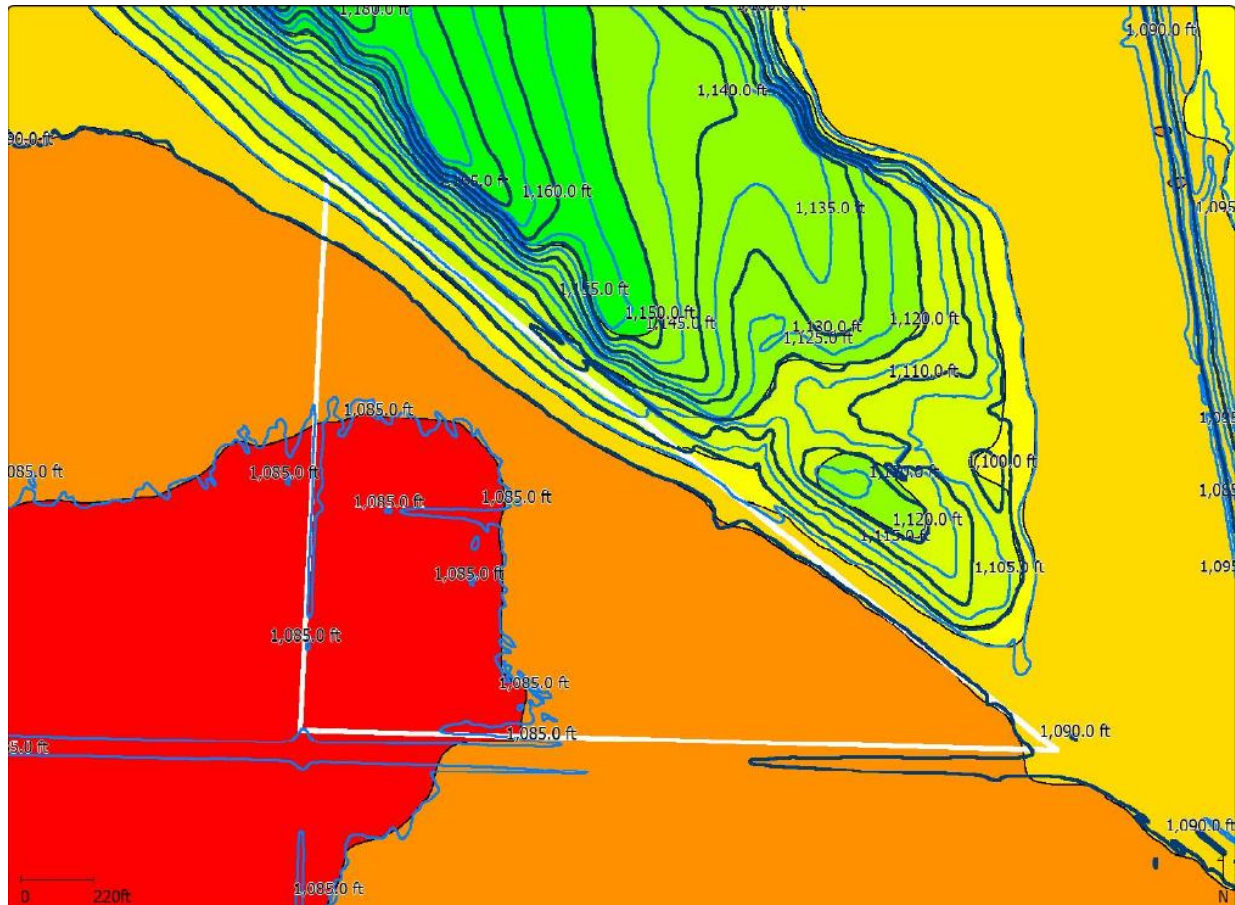
From: garylwalters <garylwalters@cableone.net>
Sent: Friday, June 19, 2020 9:12 AM
To: Daniel Priestley
Subject: Lidar elevation map

Here's a map of elevations. Noteworthy is the fact that much of the ground is lower than the elevation in the extreme SE corner of the tract and that corner is the only area designated in the floodplain of the FEMA map.

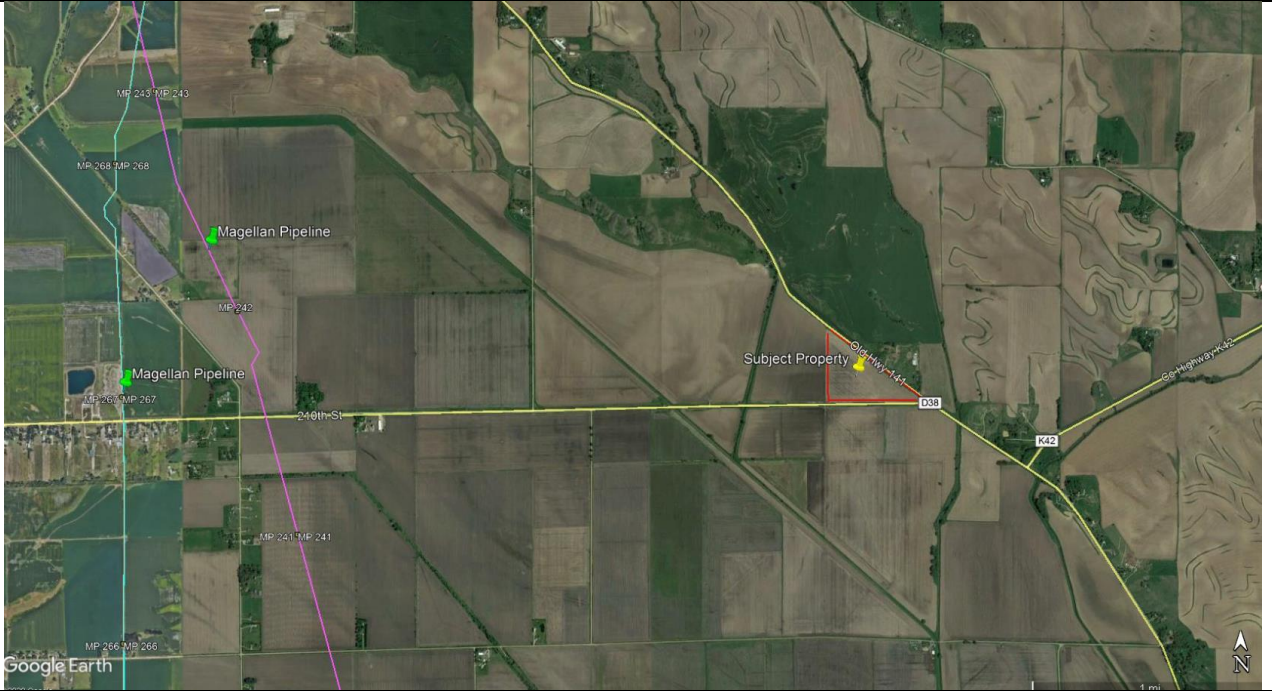
Please include these two emails today with my previously submitted exhibits/comments.

Gary

Sent from my Verizon, Samsung Galaxy smartphone



STAKEHOLDER COMMENTS:

CENTURYLINK:	I have verified through records that CenturyLink does not have any facilities in this area and this is outside of the CenturyLink serviceable area so CenturyLink does not have any concerns regarding this proposal. – Justin Melohn, 6/1/20.
FIBERCOMM:	FiberComm has no concerns. – Jeff Zyzda, 6/1/20.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	Well, I'm sure you're planning to inform the Zoning Commission that this property will eventually be shown as being in the SFHA. And, I assume the rezoning process allows the Commission to include conditions in their decision. So, I'd suggest the Commission consider requiring the developer to determine the BFE for the property and ensure that any structures constructed there are compliant with the County's requirements for development in the SFHA. Is that possible? – Bill Cappuccio, 6/2/20.
LONGLINES:	No comments.
MAGELLAN PIPELINE:	This S/D is over two miles from any Magellan facility (Please see the attached Google map). I have no issues or comments and approve as submitted. – Tim Kassen, 6/3/20.
	
MIDAMERICAN ENERGY COMPANY:	No conflicts for MEC "gas" department. – Tyler Ahlquist, 6/2/20. This is REC territory. – Casey Meinen, 6/2/20.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS)	No comments.
NORTHERN NATURAL GAS:	Northern Natural Gas Company has no easements in this area. – Tom Hudson, 6/1/20.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
NUSTAR PIPELINE:	As far as Nustar, we do not have an pipeline near this location. – Domingo Torres, 6/4/20.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	SEE STATEMENT BELOW:
WIATEL:	Wiatel has no concerns. – Phil Robinson, 6/4/20.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	Hi Dan this is a follow up to our phone conversation, the proposed area of the subdivision is in the area of past flooding. I have witnessed water over both D-38 and Old 141 several times over the years we have had to close 210 TH and Old 141 due to water over these roads. The area proposed has receives backup water as a result of these floods. A flood hazard study may be in order to determine if basements should be allowed and if the structures should be built in compliance current or future flood insurance requirements. – Gary Brown, 6/2-20
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I'm not sure which portions of this parcel will be in the future floodplain, however according to the documents the area of land currently in the floodplain has been identified as an outlot/greenspace. If I'm not mistaken, this area was not accessible due road closures caused by flooding in 2019. If more portions of the parcel would

	be in the future flood plain, it would be my recommendation that residential homes are built in compliance with NFIP standards. – Rebecca Socknat, 6/10/20.
WOODBURY COUNTY ENGINEER:	No comments.
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No Comments from Woodbury County REC. – Kent Amundson, 6/1/20.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT (WCSWCD):	SEE STATEMENT BELOW:

WOODBURY COUNTY SOIL & WATER CONSERVATION DISTRICT - NEIL STOCKFLETH

From: Stockfleth, Neil <NStockfleth@cfindustries.com>
Sent: Monday, June 1, 2020 2:40 PM
To: Daniel Priestley
Subject: RE: Comments Requested Walnut View Minor Subdivision & Rezone

Dan:

The WCSWCD has concerns about the suitability of development in this area due to wetness of the soil and flooding issues in the immediate area. In particular the southeastern end of this proposed area is low. Over the years it has appeared that farming has been delayed or hindered by wetness, based on personal observations. It appears that the western ends of the individual lots may extend into wet areas in some years.

Based on these observations, The WCSWCD has reservations about the suitability of housing development in this area. Significant steps would need to be taken to make septic systems functional in heavy, wet soils, for one example.

Neil Stockfleth

Neil Stockfleth | CF Industries
Environmental Specialist | Port Neal Nitrogen Complex
Office: 712-233-6276 | Mobile: 712-251-5155
nstockfleth@cfindustries.com

IVY BREMER, ENVIRONMENTAL SPECIALIST – SIOUXLAND DISTRICT HEALTH, 6/17/20

THE FOLLOWING EMAIL ADDRESSES WELLS IN THE FLOODPLAIN.

From: Ivy Bremer
Sent: Wednesday, June 17, 2020 12:05 PM
To: Daniel Priestley
Subject: RE: Comments Requested Walnut View Minor Subdivision & Rezone

Dan,

Yes, if the property falls within a flood plain, the following protective factors will need to be completed by the contractor:

- The casing top height needs to be 3 feet higher than the surrounding area
- It should be graded or mounded around the well for a transition
- Bump protection to be installed: any structure that has been secured at a sufficient depth
 - Bollard posts
- Well cap shall be watertight with a watertight interior
- Well cap vent needs to be raised another 12 inches above the cap

Ivy Bremer
Environmental Specialist
Siouxland District Health Department
1014 Nebraska St Sioux City IA 51105
Ph: 712-279-6119 | Fax: 712-255-2604
ibrem@siouxlanddistricthealth.org
Visit us at: www.siouxlanddistricthealth.org

IVY BREMER, ENVIRONMENTAL SPECIALIST – SIOUXLAND DISTRICT HEALTH, 6/17/20

From: Ivy Bremer
Sent: Wednesday, June 17, 2020 11:02 AM
To: Daniel Priestley
Subject: RE: Comments Requested Walnut View Minor Subdivision & Rezone
Attachments: Old 141 Sergeant Bluff Soils.pdf

Hi Dan,

I have reviewed the following parcels. Please be aware that prior to any installation of an on-site septic system an application to install and a site evaluation are required to determine the type of soils present, restrictive layers, e.g. water table, as well as any other required setbacks.

Based on information from you and the USDA Web Soil Survey there are some concerns as to the type of on-site septic system that would be allowed in this area. Due to the clay soils and potential issues due to a water table at approximately 0-12 inches, the property owners may not be able to install a soil-based system. Soil based systems require oxygen for the bacteria to properly treat the effluent. If the soils are continually saturated by the water table, this limits treatment. In these situations, they may be required to install an alternative system. These types of systems use media to filter and treat the effluent before discharging to the surface or ditch; however, these systems can cost anywhere from \$18,000-\$20,000. I cannot guarantee price, I just know they can be very expensive and an unexpected cost to homeowners.

Lastly, I am unable to determine which type would be required without completing an on-site evaluation but please be aware that it is likely given the area and known issues with standing water in the Sergeant Bluff area.

Thanks and please call with any other questions.

Ivy Bremer
Environmental Specialist
Siouxland District Health Department
1014 Nebraska St Sioux City IA 51105
Ph: 712-279-6119 | Fax: 712-255-2604
ibrem@siouxlanddistricthealth.org
Visit us at: www.sioxlanddistricthealth.org

Woodbury County, Iowa

734—Holly Springs silty clay loam, 0 to 2 percent slopes, rarely flooded

Map Unit Setting

National map unit symbol: fh8h
Elevation: 700 to 1,200 feet
Mean annual precipitation: 26 to 36 inches
Mean annual air temperature: 46 to 48 degrees F
Frost-free period: 155 to 200 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Holly springs, rarely flooded, and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of
the mapunit.

Description of Holly Springs, Rarely Flooded

Setting

Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Clayey alluvium

Typical profile

Ap - 0 to 6 inches: silty clay loam
A1 - 6 to 12 inches: silty clay loam
A2,A4 - 12 to 44 inches: silty clay
Bg1,Bg2 - 44 to 70 inches: silty clay
Cg - 70 to 80 inches: silty clay

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very
low to moderately low (0.00 to 0.01 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: Rare
Frequency of ponding: None
Calcium carbonate, maximum in profile: 30 percent
Available water storage in profile: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w

Hydrologic Soil Group: D
Ecological site: Wet Floodplain Prairie (R107BY019MO)
Hydric soil rating: Yes

Minor Components

Holly springs, overwash, rarely flooded

Percent of map unit: 10 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Wet Floodplain Prairie (R107BY019MO)
Hydric soil rating: Yes

Tieville, rarely flooded

Percent of map unit: 3 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Wet Floodplain Prairie (R107BY019MO)
Hydric soil rating: Yes

Larpenteur, rarely flooded

Percent of map unit: 1 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Wet Floodplain Prairie (R107BY019MO)
Hydric soil rating: No

Grantcenter, rarely flooded

Percent of map unit: 1 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Wet Floodplain Prairie (R107BY019MO)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Woodbury County, Iowa
Survey Area Data: Version 29, Sep 12, 2019



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039

Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: June 17, 2020

Subject: Walnut View Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced minor subdivision application forwarded with your email dated June 3, 2020.

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 subdivision for access. Normally for a subdivision with this many lots, I would prefer to see the lots serviced by an internal street or cul-de-sac to reduce the possible points of collision conflict on a major roadway. This option has not been offered by the developer. Stripping lots along a roadway, as is proposed with the Walnut View subdivision, increases the risk of collision for vehicles using Old Highway 141 and D38. Old Highway 141 is a heavily used road with an average daily traffic count of 1370 vehicles per day (vpd) for this road segment. D38/210th Street has a traffic count of 980 vpd. Options for a cul-de-sac or a frontage road serving the subdivision could have been offered, and would offer safer alternatives for access to the lots. I realize that this is costlier for the developer, but it does result in fewer potential collision conflicts for road users and safer conditions for adjacent residents.

A series of driveways on strip subdivisions frequently leads to a request for a speed limit on the adjacent road. A more restrictive speed limit on Old Highway 141 is not in concert with the road classification and use, which is major collector route/farm to market route/commuter route. Spot speed limits in locations like this are difficult to enforce and result in poor compliance and complaints to our department. Compare this spot to the Holly Springs speed zone which is frequently violated and subject of complaints of noncompliance with the 35-mph speed limit. If given my choice on the development of subdivisions with more than 3 or 4 lots, I would prefer to see the lots served by an internal roadway such as was done with the Dunn Estates, Niles Second

Addition, and Bollmeyer subdivisions adjacent to county route D12. Other examples include Sunview Estates and Berea Heights Addition off 155th Street.

I am resistant to the request for individual driveways for each lot and would prefer to see the adjacent lots utilize shared driveways to reduce the number of new points of conflict along the road. Knowing the developer's intentions, I checked each lot frontage for establishment of a single driveway. Some lots will require shared driveways due to sight distance limitations. I will lay out two options for serving the subdivision with driveways.

Option 1: Individual driveways

Lots 1 and 2 – driveway anywhere along lot frontage.

Lot 3 – driveway must be located within 50 feet of the north corner of the lot.

Lot 4 – driveway anywhere along the frontage

Lot 5 – driveway anywhere along the frontage

Lot 6 – driveway must be located at the north corner of the lot

Lot 7 through 11 – driveway can be located anywhere along frontage

Lot 12 and 13 – driveway can be located anywhere along frontage

Option 2 – preferred:

Lot 1 – solo driveway

Lot 2 and 3 – shared driveway at corner due to limited sight distance

Lot 4 - solo driveway

Lot 5 and 6 – shared driveway at corner due to limited sight distance

Lot 7 and 8 – shared driveway

Lot 9 and 10 – shared driveway

Lot 11 and Outlot A – shared driveway

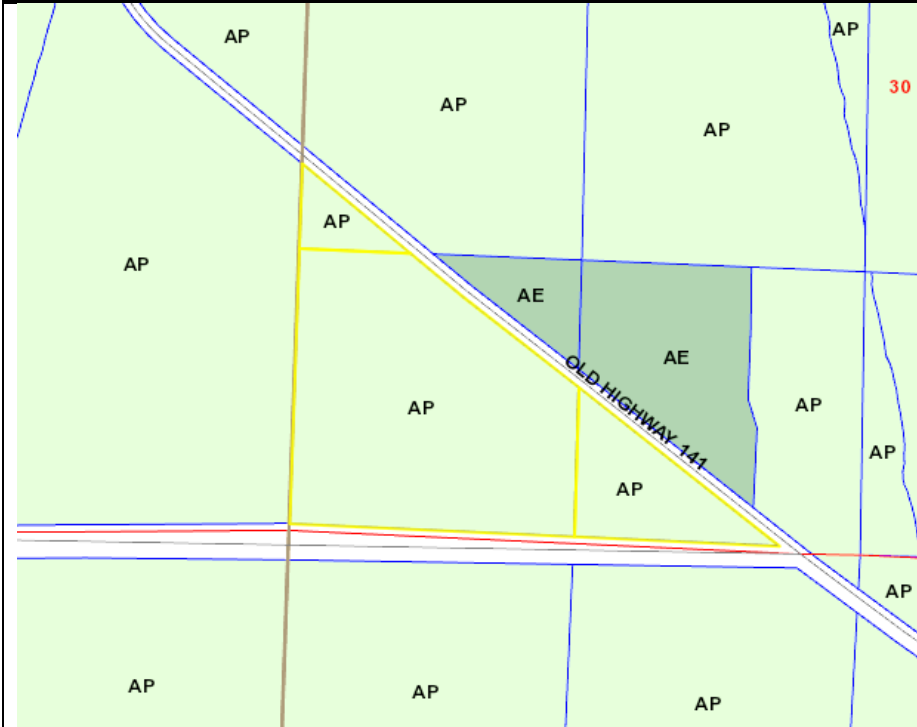
Lot 12 and 14 – shared driveway

- This area platted for this subdivision was subject to severe flooding during the March 2019 event. D38 between the Old 141 intersection and the eastern county bridge on D38 was underwater for over a week. The field from which the subdivision is being split was flooded during much of this period. Due to the winter conditions and snow filled ditches, the normal water courses were not carrying water or passing it to the improved drainage ditches west of the proposed subdivision and the water was forced to find its outlet by running through the field and overtopping the road. The Old 141/D38 intersection has been underwater due to flash flooding on Whiskey Creek four times since 2009. This has inundated the area shown as Outlot A and part of Lot 11 during those flood events. To protect the potential homes in the area, a base flood elevation for the lots within the subdivision should be established to assure that any eventual construction is set at an elevation above any likely flooding.
- I have no other concerns or issues with this minor subdivision application.

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

Cc: File

CURRENT ZONING DISTRICT:



FUTURE LAND USE MAP – WOODBURY COUNTY GENERAL DEVELOPMENT PLAN (2005)



ZONING ORDINANCE EVALUATION CRITERIA FOR BOARD APPROVAL

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

CRITERIA 1:

Conformance with the goals and objectives set forth in the approved General Development Plan for Woodbury County including the Future Land Use Map.

Staff Analysis:

The development plan and its land use goal adopted in 2005 is the basis for the zoning ordinance which has mechanisms in place including the rezone procedure that “promote[s] efficient, stable land uses with minimum conflict...”. The applicant’s proposal to rezone from AP to AE can be associated with the future land use map (see above) that marks this area for “rural residential.” It appears that the intention in 2005 was to allow for more housing within this region. The AE Zoning District at this location allows for residential development on 2 acre lots with the idea of retaining much of the agricultural characteristics of the area vs. the more dense Suburban Residential (SR) Zoning District.

CRITERIA 2:

Compatibility and conformance with the policies and plans of other agencies with respect to the subject property.

Staff Analysis:

This property is in an area that will likely be placed within the floodplain Special Flood Hazard Area (SFHA) during the next mapping IDNR/FEMA mapping process. According to Woodbury County Emergency Management, Emergency Services Secondary Roads, and the Soil & Water Conservation District, there has been past flooding on the property. Any development should comply with the county floodplain management ordinance including the elevation above the base flood elevation (BFE).

CRITERIA 3:

Consideration of the Corn Suitability (CSR) of the property.

Staff Analysis:

Parcel ID:	CSR Rating:
884630300012	81.39
884630300004	75.64
884630300006	82.96

These data have been provided by the Woodbury County Assessor's office:

ITERIA 4:

Compatibility with adjacent land uses.

Staff Analysis:

See Criterial #5 analysis. The intended use appears to be compatible. However, Criteria 5 includes information concerning the flooding issues and the future floodplain.

CRITERIA 5:

Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.

Staff Analysis:

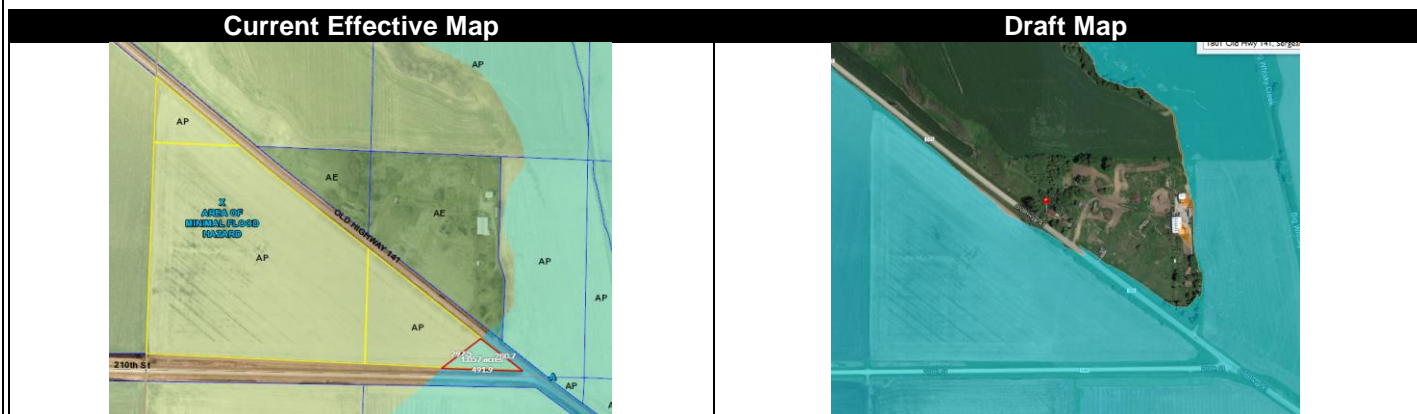
During the past year, the Iowa Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA) have been developing a new floodplain map based on 2 ft. LiDAR intervals. The new maps are presently in the draft phase and have not been formally presented to the county for adoption. The current effective map is the map that is enforced by the county floodplain ordinance and the use of the draft map proposal can only be considered for informational purposes.

The current floodplain map includes a majority of this property as not being located with the special floodplain hazard area (SFHA). Presently, there is about 1.057 acres of floodplain located on the proposed outlot of the minor subdivision which is not meant for development (see attached plat). However, the draft map proposal almost entirely places the area proposed for the subdivision into the future floodplain.

Based on this information, Bill Cappuccio, PE, National Flood Insurance Program Coordinator, with the IDNR was contacted along with Gary Brown, Director of Emergency Services and Rebecca Socknat, Director of Emergency Management for comment. Brown stated that "the proposed area of the subdivision is in the area of past flooding. I have witnessed water over both D-38 and Old 141 several times over the years we had to close 210th and Old 141 due to water over these roads. The area proposed has received backup water as a result of these floods. A flood hazard study may be in order to determine if basements should be allowed and if the structures should be built in compliance current or future flood insurance requirements" (6/2/20). Socknat stated "if I'm not mistaken, this area was not accessible due to road closures caused by flooding in 2019. If more portions of the parcel would be in the future flood plain, it would be my recommendation that residential homes are built in compliance with NFIP standards" (6/10/20).

Cappuccio stated "... I'd suggest the Commission consider requiring the developer to determine the BFE for the property and ensure that any structures constructed there are compliant with the County's requirements for development in the SFHA. Is that possible" (6/5/20)? In a subsequent communication, Cappuccio stated that "our (DNR's) rules don't require us to use the effective FIRM if there is better information available. So, our BFE will be based on the best available information. Chances are that might be the information associated with the draft flood data" 6/5/20.

On June 5, CED staff attended a flood risk review meeting with representatives from the IDNR and FEMA and this situation was brought to their attention. The staff inquired about the discrepancy between the two maps (see below). Vikram Shrivastava, a FEMA contractor, stated that “we are investigating the area near Old Hwy 141 and the widening floodplain. I will get back to you in the next 2 weeks on our findings.” This investigation could result in a modification to the draft map.



Based on the comments of Socknat, Brown, Nahra and Cappuccio along with evidence provided by Gary Walters, an adjacent property owner, the position of the staff is that even though the current effective map does not include much of the property within the SFHA, portions of the property may be susceptible to water. Additionally, there is a possibility by 2022 that the draft map could be adopted thus placing this newly subdivided property into the floodplain. With this in mind, Cappuccio's recommendation could be adopted as a condition for approval to “require the developer to determine the BFE for the property and ensure any structures constructed there are compliant with the County's requirements for development in the SFHA...”

CRITERIA 6:
Any other relevant factors.
Staff Analysis:
This rezone request aligns with the Woodbury County General Development Plan for 2025.

STAFF RECOMMENDATION
The staff recommends that the Zoning Commission recommend and the Board of Supervisors approve this rezone from the Agricultural Preservation (AP) to the Agricultural Estates (AE) for the property composed of Parcels #884630300012, #884630300004, #884630300006.

ZONING COMMISSION REZONE
At their June 22, 2020 meeting, the Zoning Commission voted to recommend approval of the Rezone from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the property composed of Parcels #884630300012, #884630300004, #884630300006.
PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): Amendment to rezone the area inclusive of Parcel #884630300012 located in the NW ¼ of the SE ¼ of Section 30, T88N R46W (Floyd Township), Parcel #884630300004 located in the SW ¼ of the SW ¼ of Section 30, T88N R46W (Floyd Township), and Parcel #884630300006 located in the SE ¼ of the SW ¼ of Section 30, T88N R46W (Floyd Township) from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District which includes that portion of the southwest quarter (SW1/4) of Section 30, Township 88 North, Range 46 West of the 5 th P.M., Woodbury County, Iowa, described as follows:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THEN NORTH 01°07'00" EAST ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 30 FOR A DISTANCE OF 1,730.46 FEET TO THE CENTER LINE OF OLD HIGHWAY NO. 141; THEN SOUTH 51°15'49" EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 991.46 FEET; THENCE SOUTH 52°34'10" EAST ALONG SAID CENTERLINE FOR A DISTANCE OF 1,321.02 FEET TO THE SOUTH LINE OF SAID SW1/4; THENCE NORTH 88°02'39" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 2,371.56 FEET TO THE POINT OF BEGINNING, CONTAINING 46.61 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, IF ANY, OR RECORD OR APPARENT.
Property Owner and Applicant – Brian Peterson, 1739 Charles Avenue, Lawton, IA 51030.

PARCEL REPORTS - Parcels #884630300004, #884630300006. Parcel #884630300012 not available .

Summary

Parcel ID 884630300004
 Alternate ID N/A
 Property Address N/A
 Sec/Twp/Rng 30-88-46
 Brief Tax Description FLOYD TOWNSHIP SW OF OLD HWY 141 SW SW 30-88-46
 (Note: Not to be used on legal documents)
 Deed Book/Page 2020-02704 (3/9/2020)
 Gross Acres 33.66
 Net Acres 33.66
 Adjusted CSR Pts 2545.86
 Class A - Agriculture
 (Note: This is for tax purposes only. Not to be used for zoning.)
 District N/A
 School District LAWTON BRONSON
 Neighborhood N/A
 Main Area Square Feet N/A

Owner

Deed Holder	Contract Holder	Mailing Address
Peterson Brian D & Anita S 1739 Charles Ave Lawton IA 51030		

Land

Lot Area 33.66 Acres ; 1,466,230 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
3/9/2020	PETERSON BRIAN D & ANITA S	PETERSON BRIAN D & ANITA S	2020-02704	Quit Claim Deed	Deed		\$0.00
3/9/2020	WIDMAN CHARLES F & CHARLENE	PETERSON BRIAN D & ANITA S	2020-02704	Quit Claim Deed	Deed		\$0.00
10/29/2019	PETERSON BRIAN D & ANITA S	WIDMAN CHARLES F & CHARLENE	2019-19217	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00
2/22/2014	JOHNSON JULIA W TRUSTEE, KHELVI DOUGLAS	EAT PETERSON LLC	733/8899	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00

[Show](#) There are other parcels involved in one or more of the above sales:

Valuation

	2020	2019	2018	2017
Classification	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$60,930	\$60,930	\$88,670	\$88,670
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$60,930	\$60,930	\$88,670	\$88,670
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$60,930	\$60,930	\$88,670	\$88,670

Summary

Parcel ID 884630300006
 Alternate ID N/A
 Property Address N/A
 Sec/Twp/Rng 30-88-46
 Brief Tax Description FLOYD TOWNSHIP SW OF OLD HWY 141 SE SW 30-88-46
 (Note: Not to be used on legal documents)
 Deed Book/Page 2020-02704 (3/9/2020)
 Gross Acres 8.27
 Net Acres 8.27
 Adjusted CSR Pts 686.18
 Class A - Agriculture
 (Note: This is for tax purposes only. Not to be used for zoning.)
 District N/A
 School District LAWTON BRONSON
 Neighborhood N/A
 Main Area Square Feet N/A

Owner

Deed Holder	Contract Holder	Mailing Address
Peterson Brian D & Anita S 1739 Charles Ave Lawton IA 51030		

Land

Lot Area 8.27 Acres ; 360,241 SF

Sales

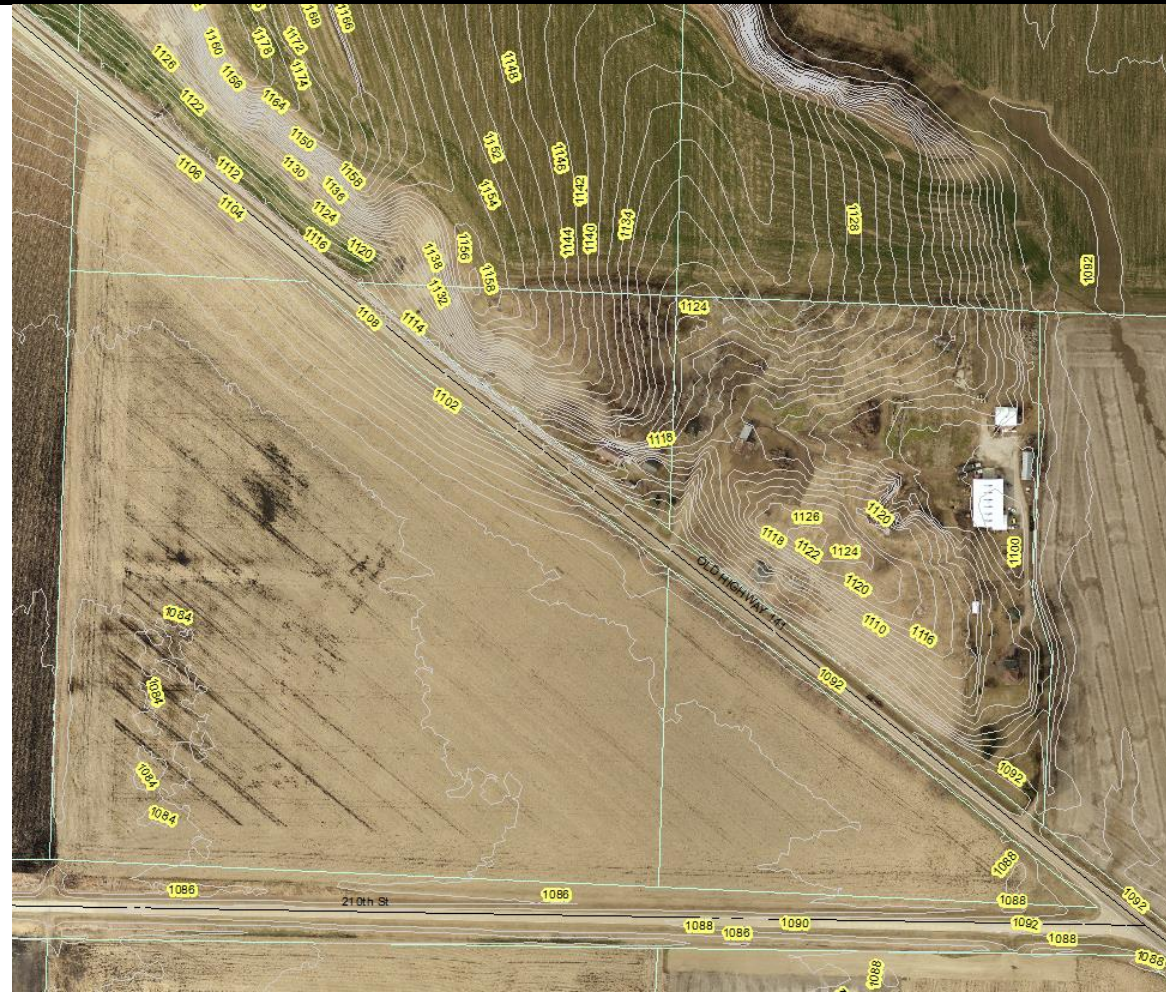
Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
3/9/2020	PETERSON BRIAN D & ANITA S	PETERSON BRIAN D & ANITA S	2020-02704	Quit Claim Deed	Deed		\$0.00
3/9/2020	WIDMAN CHARLES F & CHARLENE	PETERSON BRIAN D & ANITA S	2020-02704	Quit Claim Deed	Deed		\$0.00
10/29/2019	PETERSON BRIAN D & ANITA S	WIDMAN CHARLES F & CHARLENE	2019-19217	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00
2/22/2014	JOHNSON JULIA W TRUSTEE, KHELVI DOUGLAS	EAT PETERSON LLC	733/8899	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00

[Show](#) There are other parcels involved in one or more of the above sales:

Valuation

	2020	2019	2018	2017
Classification	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$16,420	\$16,420	\$23,900	\$23,900
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$16,420	\$16,420	\$23,900	\$23,900
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$16,420	\$16,420	\$23,900	\$23,900

TOPOGRAPHY



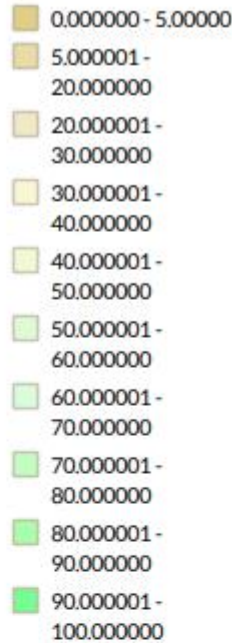
SOIL - Parcels #884630300004, #884630300006. Parcel #884630300012 not available .



Legend

— Roads

Soils



Summary

Parcel ID	884630300004
Gross Acres	33.66
ROW Acres	0.00
Gross Taxable Acres	33.66
Exempt Acres	0.00
Net Taxable Acres	33.66
Average Unadjusted CSR2	75.63
(Gross Taxable Acres - Exempt Land)	
(2545.86 CSR2 Points / 33.66 Gross Taxable Acres)	

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	33.66	75.64	2,545.86	2,545.86
Non-Crop	0.00	0.00	0.00	0.00
Total	33.66		2,545.86	2,545.86

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	3.01	267.89	267.89
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	14.85	1,217.70	1,217.70
100% Value	734	HOLLY SPRINGS SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES, RARELY	68.00	15.17	1,031.56	1,031.56
100% Value	734+	HOLLY SPRINGS SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES, RARELY	67.00	0.09	6.03	6.03
100% Value	3E	CASTANA SILT LOAM, 14 TO 20 PERCENT SLOPES	42.00	0.54	22.68	22.68
Total				33.66	2,545.86	2,545.86

Summary

Parcel ID	884630300006
Gross Acres	8.27
ROW Acres	0.00
Gross Taxable Acres	8.27
Exempt Acres	0.00
Net Taxable Acres	8.27
Average Unadjusted CSR2	82.97
(Gross Taxable Acres - Exempt Land)	
(686.18 CSR2 Points / 8.27 Gross Taxable Acres)	

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	8.27	82.97	686.18	686.18
Non-Crop	0.00	0.00	0.00	0.00
Total	8.27		686.18	686.18

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.47	41.83	41.83
100% Value	266+	SMITHLAND SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLO	87.00	0.95	82.65	82.65
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	6.85	561.70	561.70
Total				8.27	686.18	686.18



OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

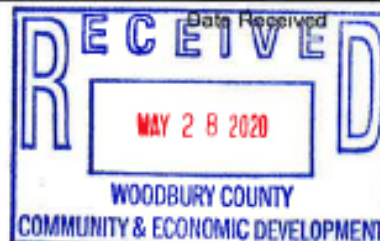
Zoning Ordinance

Section 2.02(4)

Page 1 of 8

Rezoning Application & Zoning Ordinance Map Amendment

Owner Information: Owner <u>Brian Peterson</u> Address <u>1739 Charles Ave</u> <u>Lauton, IA 51030</u> Phone <u>712-943-5304</u>	Applicant Information: Applicant <u>Brian Peterson</u> Address <u>1739 Charles Ave</u> <u>Lauton IA 51030</u> Phone <u>712-943-5304</u>
Engineer/Surveyor <u>DGR, Dave Lamberton</u> Phone <u>712-266-1554</u>	
Property Information: Property Address or Address Range <u>NA, Currently Farm land.</u> Quarter/Quarter <u>SW</u> Sec <u>30</u> Twnshp/Range <u>88 North 46 West</u> Parcel ID # _____ or GIS # <u>884630300006, 00004, 00001</u> Total Acres <u>46.61A.</u> Current Use <u>AP - Ag Use</u> Proposed Use <u>AE - Ag Estate Lots</u> Current Zoning <u>AP</u> Proposed Zoning <u>AE</u> Average Crop Suitability Rating (submit NRCS Statement) <u>65</u>	
The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information). A formal pre-application meeting is recommended prior to submitting this application. Pre-app mtg. date <u>9-25-18, Phone Calls</u> Staff present <u>David Priestly, Mark Nahra, David Gleason</u> <u>SINCE.</u>	
The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property. This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval. Owner <u>Brian Peterson</u> Applicant <u>Brian Peterson</u> Date <u>5-27-20</u> Date <u>5-27-20</u>	
Fee: \$400 Case #: <u>6562</u> Check #: <u>11213</u> Receipt #: _____	



ORDINANCE NO. ____

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Zoning Commission has received a report in respect to amending said Ordinance from the Woodbury County Zoning Commission which held hearings on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this ____ day of _____ 2020.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Matthew A. Ung, Chairman

Keith Radig, Vice Chairman

Rocky DeWitt

Marty Pottebaum

ATTEST

Patrick F. Gill, Auditor

Adoption Timeline:

Public Hearing and 1st Reading: June 30, 2020

Public Hearing and 2nd Reading:

Public Hearing and 3rd Reading:

Adopted:

ITEM ONE (1)

Property Owner: Brian D. Peterson & Anita S. Peterson, 1739 Charles Avenue, Lawton, IA 51030.

Petitioner Applicant: Brian Peterson, 1739 Charles Avenue, Lawton, IA 51030.

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, June 22, 2020, to review and make recommendation for an amendment to Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

Amendment to rezone the area inclusive of Parcel #884630300012 located in the NW ¼ of the SE ¼ of Section 30, T88N R46W (Floyd Township), Parcel #884630300004 located in the SW ¼ of the SW ¼ of Section 30, T88N R46W (Floyd Township), and Parcel #884630300006 located in the SE ¼ of the SW ¼ of Section 30, T88N R46W (Floyd Township) from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District which includes that portion of the southwest quarter (SW1/4) of Section 30, Township 88 North, Range 46 West of the 5th P.M., Woodbury County, Iowa, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THEN NORTH 01°07'00" EAST ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 30 FOR A DISTANCE OF 1,730.46 FEET TO THE CENTER LINE OF OLD HIGHWAY NO. 141; THEN SOUTH 51°15'49" EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 991.46 FEET; THENCE SOUTH 52°34'10" EAST ALONG SAID CENTERLINE FOR A DISTANCE OF 1,321.02 FEET TO THE SOUTH LINE OF SAID SW1/4; THENCE NORTH 88°02'39" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 2,371.56 FEET TO THE POINT OF BEGINNING, CONTAINING 46.61 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, IF ANY, OR RECORD OR APPARENT.

Following the public hearing, the Zoning Commission voted unanimously to recommend approval of said request to the Woodbury County Board of Supervisors.