

Minutes: Washington County Land Use and Planning Commission
Monday, February 23, 2015 – 6:30 PM

Held at: Board of Supervisors Room, Washington County Courthouse, Washington, Iowa

Members Present: Julie Mangold, Layne Twinam, Andrew Hora, Karolyn Skubal, John Trier

Members Absent: Randy Billups and Rebecca Bush

Also Present: Duane Royer, GIS Coordinator

1. Meeting called to order at 6:32 PM by Deb Simmering, Subdivision Coordinator.
2. Tentative agenda was reviewed. Andrew Hora moved to approve the agenda, seconded by Layne Twinam. A voice vote was conducted on the approval of the agenda as printed and published with all voting aye. Motion carried.
3. An introduction was made by Deb Simmering stating that she had been appointed as the Subdivision Coordinator after Steve Lafaurie resigned 12-11-13. Also an introduction was made of the current Land Use and Planning Commission.
4. Layne Twinam moved to nominate Andrew Hora as chairperson. No other nominations were made. A voice vote was conducted with all voting aye. Motion for Andrew Hora to serve as Chair carried.

Andrew Hora moved to nominate Layne Twinam as vice-chairperson. No other nominations were made. A voice vote was conducted with all voting aye. Motion for Layne Twinam to serve as the Vice-chair carried.

5. A Preliminary Plat for Honey Locust Hollow, a proposed 5 residential lot major subdivision, submitted by Jay E. and Cynthia M. Peiffer, located east of the Riverside Road (W 61) and adjoining the south side of 105th Street in 31-77-6, Iowa Township, was presented by the Subdivision Coordinator for review.

The Preliminary Plat has been reviewed and approved by the GIS Department, Environmental Health Department, Auditor's Office, Secondary Roads/Engineer's Office and the Subdivision Department. Revisions have been made to their satisfaction. There is an additional 17 feet that has been dedicated for road right-of-way to the satisfaction and requirements of the Subdivision Ordinance and the Engineer's Office. An interior private gravel road has been approved by the E911 Board and designated as Sunset Trail. It will be built when lots have been sold that will require access. An existing driveway is in place.

Andrew Hora expressed concern for emergency response vehicles being able to service the subdivision. Deb read from the Subdivision Ordinance that there is a provision that if there are no improvements completed prior to the submission of the Final Plat, that a detailed cost estimate for the required improvements and a surety bond shall be submitted with the Final Plat application and submissions. This will ensure that the road project will be completed.

All Subdivision requirements have been met at this time.

John Trier made a motion to open the Public Hearing for comments from the general public. It was seconded by Julie Mangold.

James Stansky, adjoining landowner on the south of the proposed subdivision spoke regarding the Fence Line Agreement. He stated that it was his understanding that his fence was maintained by the "left hand rule". He was unaware that there is a Code provision for the right hand rule to be in effect and he would abide by that.

Jay Peiffer, the subdivider, stated that he is proposing to construct and maintain the fences by Iowa State Code and with the "right hand rule" applying. Rob Gerot, adjoining land owner on the east side and representing his parents who also own land that adjoins the subdivision, voiced that "he was in attendance because he just needed to know which ½ of the fence that he is responsible for".

It was pointed out that the Subdivision Ordinance states under "**45.44 Minimum Improvements** under 9. Perimeter Fences: Any subdivision boundary adjoining property with an existing agricultural use (either an active use or conservation reserve programs) shall be fenced. Where no fence exists or where repairs are needed, the cost of construction or improvement shall be assumed by the subdivider. A fence agreement(s) between the adjacent landowner(s) and the subdivider, heirs and future lot owners or homeowner's association shall be prepared and recorded assigning the cost of construction and future maintenance to the latter."

Jay Peiffer stated that by that language, it is dictating what the subdivider will do, no a mere agreement. It was agreed that he had a valid point. Jay stated he was not so much opposed to building the fence as he was to having to maintain it forever.

A motion was made by Julie Mangold with a second from Karolyn Skubal to close the public meeting. Further discussion followed by the Commission with regards to the Fence Line Agreement. It was restated that the Subdivision Ordinance makes provisions that the perimeter fence **shall** be constructed and maintained by the subdivider.

Julie Mangold made a motion for the Land Use and Planning Commission to sign a recommendation for the application of the Preliminary Plat of Honey Locust Hollow Subdivision be submitted to the Board of Supervisors for their approval. However the recommendation should contain the stipulation that a Fence Line Agreement be defined and acceptable to the adjoining land owners and signed before the Final Plat is submitted to the Board of Supervisors. Layne Twinam provided the second on the motion.

6. 3 members, Karolyn Skubal, Andrew Hora and Julie Mangold have terms on the Commission that will expire June 30, 2015. It was presented that if they chose not to be reappointed, that they contact the Subdivision Office prior to that time. Randy Billups has declined to serve and his position will be need to be filled by the Board of Supervisors. Rebecca Bush has been unreachable. It was suggested that she was on vacation. Contact will be attempted again to see if she wishes to continue to serve.
7. At 7:15 P.M. Layne Twinam made a motion to adjourn the meeting. Second was made by John Trier. We will not need to reschedule another meeting unless warranted at a later date.