

## Minutes - Woodbury County Zoning Commission Meeting – April 25, 2022

The Zoning Commission (ZC) meeting convened on the 25th of April at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Corey Meister, Jeff O'Tool  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Dolf Ivener, Troy Husen, Jim Zellmer (Phone)

### Call to Order

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

### Public Comment on Matters Not on the Agenda

None.

### Approval of Minutes

The February 28, 2022 minutes were approved. Motion to approve: Meister. Second: O'Tool. Motion approved 4-0.

### Public Hearing: Husen Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a four-lot minor subdivision on the property identified as Parcel #874705200002. The purpose of this proposal is to establish four residential lots. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. The County Engineer also stated that a paving agreement should be applied to this subdivision. Extraterritorial review was waived by the City of Sergeant Bluff with Resolution No. 21-33 on December 14, 2021. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. This proposal meets requirements of the Zoning and Subdivision Ordinances. Bride pointed out that the property has a significant Crop Suitability Rating (CSR – 75.51); this area is also located close to the Sergeant Bluff and residential development is already established. Dolf Ivener offered background on the purpose of the project. Troy Husen inquired about the effects of the paving agreement including the costs. Priestley indicated that it is an 80/20 agreement where property owners would pay 40% along their frontage or lineal feet of each lot to the center of the road. If there is any proposal to pave the road in the future, there will likely be public hearings administered by county engineer's office. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign a paving agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend approval of the Husen Addition Minor Subdivision to the Board of Supervisors with the condition property owners sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

### Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Maxys Family Farm LLC/Brian and Bonnie Ivener Trust

Priestley read the preliminary report and staff recommendation into the record. Concurrently with the previous minor subdivision application, this proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township), Woodbury County, parcel #874705200002, for the purpose of establishing four residential lots. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. Based on the information received, staff recommends approval of this proposal with the condition that the property owner(s) sign a paving agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meisner. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates with the condition that the owner(s) sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

### Public Hearing: Al and Barb Concord Place Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. The Joint Revocable Living Trust of Alvin O. Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on Parcel #894624100006 and #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Priestley noted that the county engineer initially had concerns about a proposed easement and its access to

a suitable driveway. However, the issue was resolved with a revised easement. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. One of the property owners, Jim Zellmer, was present via the phone but had no comments about the proposal. It is the recommendation of staff to approve this proposal. Motion to close public hearing: Meister. Second: Bride. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the Al and Barb Concord Place Addition Minor Subdivision: Bride. Second: O'Tool. Motion approved 4-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer**

Priestly read the preliminary report and staff recommendation into the record. Along with previous minor subdivision application, this proposal is to rezone Parcel #894624100009 from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District with an application for a three-lot subdivision on Parcel #894624100009.

The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Motion to close Public Hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the proposed Zoning Ordinance Map Amendment from AP to AE to the Board of Supervisors: O'Tool. Second: Bride. Motion approved 4-0.

**Discussion of Solar Ordinance Provisions**

Priestley facilitated a discussion concerning residential solar systems and utility scale solar systems including some of their differences as it pertains to permitting. He indicated that area communities such as the City of Sioux City administratively issue building permits for residential solar systems as accessory structures/uses to the properties. The current language in the Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. Priestley reminded the Commissioners that in recent years the county has received conditional use permit applications from both residential scale and utility scale projects. A revised ordinance may be required to address future needs depending on the intensity of the projects from residential to utility scale. Several considerations include road use agreements, decommissioning plans, setback requirements, etc. Priestley recommended that the Commission continue this discussion at future meetings and in the meantime, he will continue to research other jurisdictions and their respective policies as it comes to both residential and commercial solar operations.

**Public Comment on Matters Not on the Agenda**

None.

**Commissioner Comment or Inquiry**

Bride bought up State of Iowa legislation – Senate File 2285, pertaining to the incorporated areas' ability to require annexation agreements. Priestley will research.

**Staff Update**

Priestley formally informed the Commission that Director David Gleiser has left the Woodbury County Community & Economic Department.

**Adjourn**

The meeting adjourned at 7:20 PM.