

## **Minutes - Woodbury County Zoning Commission Meeting – May 23, 2022**

The Zoning Commission (ZC) meeting convened on the 23<sup>rd</sup> 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: Barb Parker, Jeff O'Tool, Corey Meister, Chris Zellmer Zant, Tom Bride

County Staff Present: Daniel Priestley, Dawn Norton

Public Present: Dan Kriener, Brett Johnston, Forrest Johnston

### **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 April 25, 2022 minutes were approved. Motion to approve: Bride; Second: O'Tool. Motion approved -5-0.

### **Public Hearing: William's Third Strike, Second Addition Minor Subdivision Proposal**

Due to an oversight in the certified abstract listing, and after discussion with the Woodbury County Attorney's office, the public hearing for this agenda item was postponed. This item has been rescheduled for a special meeting of the Zoning Commission on June 1, 2022 at 6:00 pm in the 1<sup>st</sup> Floor Board of Supervisor's Meeting Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Notice will be published, and adjacent landowners will be notified by mail of the new date for the public hearing.

### **Conditional Use Permit Review: Temporary Borrow Pit Proposal (Parcel #864430400005)**

Priestley read the proposal and staff recommendation into the record. Brandon Burkhart has filed a conditional use permit application for a temporary borrow pit for resource extraction from his property. The borrowed material is to be taken to Hornick for the completion of the Hornick Flood Protection Improvements Project as a flood protection mechanism. The request is to remove 63,000 cubic yards in a 4.7 acre cut area, which is a 25.8-acre parcel in Section 30, T86N R44W (Little Sioux Township) in the NE ¼ of the SE ¼. The property is in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. A borrow permit is an allowed conditional use in this Zoning District according to the Land Use Summary Table. A public hearing is scheduled for June 6, 2022 for the Board of Adjustment to review the intended borrow pit and has been noticed in the Sioux City Journal. Stakeholders were contacted for comment and the adjacent landowners notified by mail. The Zoning Coordinator has received communications from an adjacent landowner, and the Loess Hills National Scenic Byway voicing concern and disagreement of the project. Access would be from Hwy 141. The IDOT would implement traffic control if necessary. The landowner has applied for local and state permits such as the grading, and National Pollutant Discharge Elimination System (NPDES) as well as provided a copy of the Storm Water Pollution Prevention Plan (SWPPP). Contractor Brett Johnston stated this area was previously used as a borrow pit during the construction of Hwy 141. The land is currently being used for farming crops and will be returned to previous usage when project is complete. During removal, a silt fence will be installed, a berm will be constructed to contain top soil. Granular material will be used to minimize tracking and a water truck will be used for dust control. After the borrow is complete, the topsoil will be replaced and cover crop planted until the next planting season. The area will be monitored for possible burial grounds. The project would begin when all necessary permits are secured. The borrow pit would operate from 6:00am to 7:00pm, Monday – Saturday and is expected to be completed by December 2022. Motion by O'Tool to recommend approval of the proposal to Board of Adjustment with the following conditions: Any potential soil erosion and damaging water runoff must be mitigated, and all parameters of the Storm Water Pollution Prevention Plan (SWPP) must be actively implemented; and, all federal, state and local regulations must be followed not limited to those of the Iowa Department of Natural Resources (IDNR), Iowa Department of Transportation (IDOT), Natural Resources and Conservation Services (NRCS), Iowa Office of the State Archaeologist. Second: O'Tool. Motion approved 5-0.

### **Discussion / Information: Solar Energy Residential and Commercial**

Priestley opened discussion regarding residential solar systems and utility scale solar systems. He researched Louisa and Clinton County's ordinances. Louisa County separates residential and commercial. The City of Sioux City administratively issues building permits for residential solar systems as accessory structures/uses. Conditional use vs. general building permits were discussed for residential property owners. With no requirement of building codes in rural Woodbury County, homeowners would need to revert to the State of Iowa's electrical standards. Items such as structural analysis, type of material (panel array or solar shingles), placement (roof or standalone), would need to be considered. The current Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. General Industrial (GI) is currently the only zoning district where a large-scale solar project could be located. Woodbury County's ordinance may need to be updated 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. Research into other jurisdictions and their policies on residential and commercial solar operations will continue to be discussed at future meetings.

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

None.

### **Commissioner Comment or Inquiry**

None.

**Staff Update**

Priestley informed the Commission that the City of Sioux City has officially annexed the area off Hwy 20 intended for the new DOT and SIMPCO office. Priestley confirmed, due to an error in reporting the listing of adjacent landowners, the public hearing for William's Third Strike, Second Addition Minor Subdivision Proposal will be held during a Special Meeting of the Zoning Commission at 6:00PM on June 1, 2022 (June 8, 2022 backup date), in the 1<sup>st</sup> Floor Board of Supervisor's Meeting Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA.

**Adjourn**

The meeting adjourned at 7:55 PM.