

Minutes - Woodbury County Board of Adjustment Meeting – June 6, 2022

The Board of Adjustment meeting convened on the 6th of June 2022 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

BA Members Present : Bob Brouillette, Ashley Christensen, Pam Clark, Daniel Hair, Tom Thiesen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Brett Johnston, Forrest Johnston

Call to Order

Chair Tom Thiesen formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

Election of Chair and Vice-Chair for 2022

Brouillette nominated Daniel Hair as Chair. Motion by Christensen; second by Thiesen. Approved 5-0.
Christensen nominated Clark as Vice-Chair; second by Brouillette. Approved 5-0.

Approval of Minutes

The December 6, 2021 minutes were approved. Motion by Christensen to approve; second by Brouillette. Motion passed 5-0.

Public Hearing: Conditional Use Permit – Temporary Borrow Pit Proposal (Parcel #864430400005)

Priestley presented the staff report for the temporary borrow pit conditional use permit application located on Parcel #864430400005; in the NE ¼ of the SE ¼ of Section 30, T86N R44W (Little Sioux Township), Agricultural Preservation (AP) Zoning District; not located in a floodplain; Property owners Brandon and Samantha Burkhart. Zoning Commission met May 23, 2022 and recommended approval 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) 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. It is the recommendation of staff to approve the conditional use permit. Surrounding land owners and stakeholders were notified. Staff received phone calls from neighboring landowner concerning run off and timing of noticing of project; Loess Hills National Scenic Byway voiced concerns and disagreement of the project. Brouillette asked if concerns were addressed, Priestley spoke with concerned individuals. Contractor Brett Johnston stated land is currently being crop farmed. Top soil will be removed and contained, silt fence will be installed. After all borrow dirt is removed, topsoil will be replaced, and area will be returned to farmland. Borrow operations will be from 6:00 AM. to 7:00 PM. Project is expected to be completed by December 2022. Motion to close public hearing by Theisen; seconded by Clark. Motion passed 5-0.

Motion by Brouillette to approve Conditional Use Permit for Temporary Borrow Pit as proposed with following conditions: Any potential soil erosion and damaging water runoff must be mitigated, and all parameters of the Storm Water Pollution Prevention Plan (SWPP) 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; seconded by Christensen. Motion passed 5-0.

Rules of Procedure for Board of Adjustment Adoption

Priestley overviewed proposed bylaws modeled from the Board of Supervisors meetings and other counties. There have not previously been bylaws. Motion to adopt rules of procedure for Board of Adjustment as approved by the Board of Supervisors made by Brouillette; second by Clark. Motion passed 5-0.

Discussion/Information: Solar Energy Residential and Commercial

Continued discussion of amendment to Zoning Ordinance for solar energy. Priestley shared examples of Louisa and Clinton County's ordinances. The City of Sioux City administratively issues building permits for residential systems as accessory structures. Woodbury County's current procedure is Conditional Use permitting in General Industrial zoning district. With no building codes in rural Woodbury County, landowners would revert to the State of Iowa's electrical standards. With commercial installations such issues as road use agreements the Secondary Roads, height, glare and decommissioning would need to be addressed.

Public Comment on Matters Not on the Agenda

None

Board Member Comment or Inquiry

None.

Adjourn

Motion by Brouillette to adjourn; second by Christensen. Motion passed 5-0. Meeting concluded at 6:42 PM.