



WOODBURY COUNTY BOARD OF ADJUSTMENT

Monday, July 3, 2023 at 6:00 PM

The Woodbury County Board of Adjustment will hold a public meeting on **Monday, July 3, 2023 at 6:00 PM** in the 1st Floor Board of Supervisor's Meeting Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 511 060 530#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
4	APPROVAL OF MINUTES: June 5, 2023 Minutes
5	ITEM(S) OF BUSINESS
»	PUBLIC HEARING: VARIANCE APPLICATION TO BUILD TWO ADDITIONS ONTO LEGAL NON-CONFORMING SINGLE-FAMILY DWELLING WHICH IS LOCATED WITHIN THE 100 FT FRONT YARD SETBACK (AP ZONING DISTRICT) ON PARCEL #864508400005; 2979 GRUNDY AVE., HORNICK, IA 51026 Don M. Doll and Carole S. Doll have filed a variance application with the request to add two additions onto their legal non-conforming single-family dwelling which is located within the 100 FT front yard setback as required in the Agricultural Preservation (AP) Zoning District. The proposal is to build the Phase 1 addition to expand the existing dining room which would required the addition to be about 62 FT from the front property line and the Phase 2 addition to add bedrooms which would required the addition to be about 60 FT from the front property line. Both requests are further from the front property line than the front edge of the existing deck which is about 46 FT from the front property line. The property owners have filed this variance to request relief from the front yard setback requirements of the AP Zoning District. The property is designated as Parcel #864508400005 and is located in the SE ¼ of the SE ¼ of T86N R45 (Willow Township), Section 8. The property is located about 2.6 miles north of Hornick. The property address is 2979 Grundy Ave., Hornick, IA 51026-8009.
»	INFORMATION / DISCUSSION: POSSIBLE CHANGES TO MEETING TIME AND LOCATION FOR THE WOODBURY COUNTY BOARD OF ADJUSTMENT AS REFERENCED IN THE RULES OF PROCEDURE

»	<p>INFORMATION / DISCUSSION: PROPOSED ZONING ORDINANCE TEXT AMENDMENT CONCERNING TEMPORARY HEAVY CONSTRUCTION SERVICES.</p> <p>SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF SECTION 3.03.4 ENTITLED: LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT. THE PROPOSAL IS TO REPEAL THE “PROHIBITED USES” FOR “AGGREGATE CRUSH & SCREEN (TEMPORARY),” “ASPHALT MIXING (TEMPORARY),” AND “CONCRETE MIXING (TEMPORARY),” IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT AND THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT AND REPLACE WITH “CONDITIONAL USES” FOR “AGGREGATE CRUSH & SCREEN (TEMPORARY),” “ASPHALT MIXING (TEMPORARY),” AND “CONCRETE MIXING (TEMPORARY),” IN BOTH THE GC AND HC ZONING DISTRICTS.</p>
»	<p>INFORMATION / DISCUSSION: UPDATE ON ZONING COMMISSION MAY 22, 2023 RECOMMENDATION FOR SOLAR ENERGY SYSTEMS AMENDMENTS PROPOSAL TO WOODBURY COUNTY ZONING ORDINANCE.</p> <p>SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE TABLE OF CONTENTS; SECTION 3.03.4 ENTITLED: LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT; PORTIONS OF: SECTION 6.02 ENTITLED DEFINITIONS; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS. THE PROPOSAL IS TO ADD SOLAR ENERGY SYSTEMS (PRIVATE USE) AS ACCESSORY USES IN EACH ZONING DISTRICT AND TO ADD SOLAR ENERGY SYSTEMS (UTILITY SCALE) AS A CONDITIONAL USE IN THE AGRICULTURAL PRESERVATION ZONING DISTRICT AND THE GENERAL INDUSTRIAL ZONING DISTRICT.</p>
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
7	BOARD MEMBER COMMENT OR INQUIRY
8	STAFF UPDATE
9	ADJOURN

Minutes - Woodbury County Board of Adjustment – June 5, 2023

The Board of Adjustment meeting convened on the 5th of June 2023 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 : Daniel Hair, Tom Thiesen, Doyle Turner, Pam Clark, Ashley Christensen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Leo Jochum, Adam Larson, John Baric

Call to Order

Chair Daniel Hair formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None

Approval of Minutes

The May 1, 2023 minutes were approved. Motion by Christensen to approve; Second by Thiesen. Motion passed 5-0.

Public Hearing: Conditional Use Permit Application: Conditional Use Permit Application: Temporary Borrow Pit on Parcel #884702100002

Priestley read the staff report summary into the record. JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed a conditional use permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-15,000 yds³. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. The applicants(s) have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted to recommend approval (5-0) of this conditional use permit request at their May 22, 2023 meeting. Adam Larson from JB Holland stated this is a backup area for borrow and may not be needed. Motion by Clark to close public hearing. Second: Turner. Carried 5-0. Motion to approve of the temporary borrow pit as proposed by Christensen; Second: Turner. Motion carried: 5-0.

Review of Conditional Use Permit Application: Operation of Data Processing Business to Place a Demand Response Load Resource Next to the Substation in conjunction with Local Electric utility to Support Grid Resiliency on Parcel #864723300010.

Priestley read the staff report summary into the record. WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed a condition use permit application "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility use or comparable to the industrial use of research and development laboratories in the sense of data analysis. Therefore, for the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District. Hence, based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted to recommend approval (5-0) of this conditional use permit request at their May 22, 2023 meeting. John Baric provided information sheets and an overview of the project for the Board. Motion to receive: Turner; Second: Christensen. Carried: 5-0. REC has provided a letter of support. The center would even out the supply and demand of power and be located next to the Lakeport Substation. Motion by Clark to close public hearing. Second: Turner. Carried 5-0. Motion by Clark: "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. Second: Christensen. Motion carried: 5-0.

Information/Discussion: Woodbury County Comprehensive Plan 2040 Presentation by SIMPCO

Representatives from SIMPCO gave an overview of the progress and status of the 2040 Comprehensive Plan. The new plan is not rigid or set in stone, incorporates the existing plan. A draft plan is complete; however, comments and suggestions can still be submitted to SIMPCO's website or Facebook site. Comment section will end June 16th, 2023 then it will be presented to stakeholders.

Information/Discussion: Meeting Time and Location for the Woodbury County Zoning Commission as Referenced in the Rules of Procedure

Staff has been approached to consider a change in meeting time/location of meetings. Zoning Commission voted to possibly move meetings to 4:30 or 5:00. The majority of the Board of Adjustment commissioners would not want a change to the meeting time. There was a discussion of potential alternative locations. The Board of Adjustment and the Board of Supervisors must approve any changes.

Information/Discussion: Update on Woodbury County Solar Energy Requirements Proposal for Possible Changes to the Zoning Ordinance

At their May 22, 2023 meeting, the Zoning Commission held a public hearing regarding text amendments to the Woodbury County Zoning Ordinance to amend portions of the table of contents; section of the land use summary table of allowed uses in each zoning district; portions of entitled definitions and renumbering of definitions and page numbers. The proposal would add solar energy systems (private use) as an accessory use in each zoning district and add solar energy systems (utility scale) as a conditional use in the AP and GI zoning districts. Private use solar arrays would be considered accessory structures and could be permitted with the issuance of building permits. Uses for commercial or utility scale arrays would require a conditional use application. A consideration to include wording regarding 'net metering' has been forwarded to the County Attorney's office. Hair and Turner would like restrictions placed on installing panels on slopes.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

The Board of Supervisors directed the Zoning Commission to consider amendments to the zoning ordinance for temporary construction services in the General Commercial (GC) and the Highway Commercial (HC) Zoning Districts. Priestley will approach the Zoning Commission for the consideration of a change to the ordinance to facilitate temporary construction services (e.g. - aggregate crush & screen, asphalt mixing, and concrete mixing), as conditional uses in the future.

Adjourn

Motion by Thiesen. Second: Clark. Carried 5-0. The meeting adjourned at 7:24 P.M.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

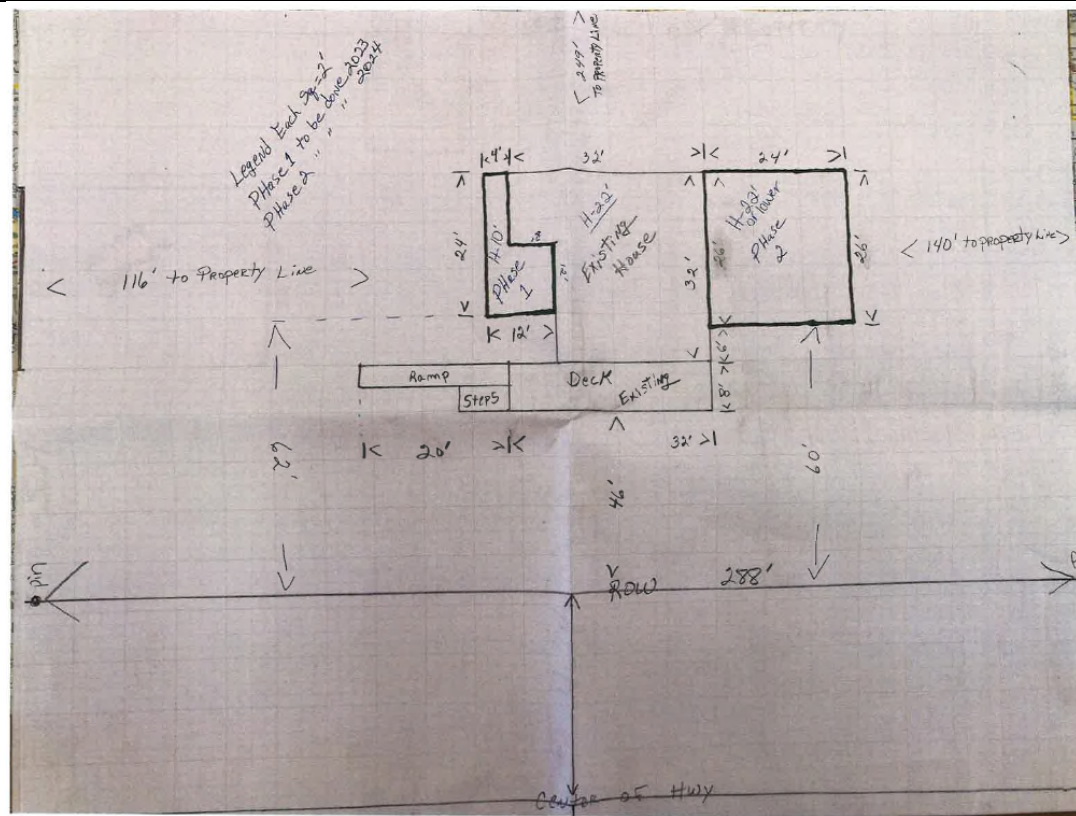
PRELIMINARY REPORT – JUNE 28, 2023 VARIANCE REQUEST

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
Owner/Applicant(s): Don M. Doll & Carole S. Doll Application Type: Variance Zoning District: Agricultural Preservation (AP) Total Acres: 1.9 Current Use: Residential Proposed Use: Residential Pre-application Meeting: June 2, 2023 Application Date: May 30, 2023 Legal Notice Date: June 22, 2023 Stakeholders' (500') Letter Date: June 15, 2023 Board of Adjustment Public Hearing Date: July 3, 2023	Parcel(s): 864508400005 Township: T86N R45W Section: 8 Quarter: SE ¼ of the SE ¼ Zoning District: Agricultural Preservation (AP) Floodplain District: Property removed from the Floodplain with Letter of Map Amendment #14-07-2074A (Not in Floodplain). Address: 2979 Grundy Ave., Hornick, IA 51026	<input type="checkbox"/> Summary, Recommendation, Aerial & Proposed Area <input type="checkbox"/> Review Criteria <input type="checkbox"/> Applicant Comments <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

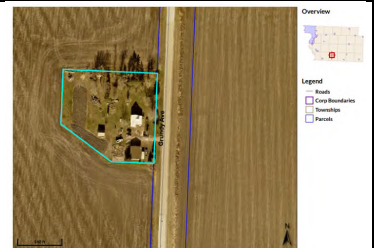
SUMMARY

Don M. Doll and Carole S. Doll have filed a variance application with the request to add two additions onto their legal non-conforming single-family dwelling which is located within the 100 FT front yard setback as required in the Agricultural Preservation (AP) Zoning District. The proposal is to build the Phase 1 addition to expand the existing dining room which would required the addition to be about 62 FT from the front property line and the Phase 2 addition to add bedrooms which would required the addition to be about 60 FT from the front property line. Both requests are further from the front property line than the front edge of the existing deck which is about 46 FT from the front property line. The property owners have filed this variance to request relief from the front yard setback requirements of the AP Zoning District. Based on the information provided, this request can be construed as a practical difficulty for the property owners in this case-by-case situation. The ordinance has made it difficult for the owners to expand the footprint of their established home. Therefore, after consideration of the variance criteria, staff recommends approval of this variance request.

PLAN



AERIAL VIEW



Parcel ID: 864508400005
 Sec/Twp/Rng: 864-45
 Property Address: 2979 GRUNDY AVE
 HORNICK
 District: 008
 Parcel Tax Description: AGRICULTURE
 Alternative ID: 45524
 Class: 8
 Average: 1.9
 Owner Address: DOLL DON M & CAROLE S
 2979 GRUNDY AVE
 HORNICK IA 51026-8009

STAFF RECOMMENDATION

Based on the information provided, this request can be construed as a practical difficulty for the property owners in this case-by-case situation. The ordinance has made it difficult for the owners to expand the footprint of their established home. Therefore, after consideration of the variance criteria, staff recommends approval of this variance request.



OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance Section 2.02(8) Page 1 of 3

Variance Application

Owner Information: Owner <u>Don M. Doll & Carole S. Doll</u> Address <u>2979 Grundy Ave</u> <u>Hornick Iowa 51026</u> Phone <u>712-281-0320 OR 712-874-3322</u>	Applicant Information: Applicant <u>Don M & Carole S. Doll</u> Address <u>2979 Grundy Ave</u> <u>Hornick IA 51026</u> Phone <u>712-281-0320 - 712-874-3322</u>
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Engineer/Surveyor _____ Phone _____

Property Information:

Property Address or Address Range 2979 Grundy Ave Hornick IA 51026
 Quarter/Quarter SE Sec 8 Twship/Range 86-45
 Parcel ID # 864508400005 GIS # _____ Total Acres 1.9
 Current Use Residents Proposed Use Residents
 Current Zoning AP

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(8)(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 May 15, 2023 Staff present Don P

The undersigned is/are the owners(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 Board of Adjustment members to conduct a site visit and photograph the subject property.

This Variance Application 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 Don M Doll Applicant Don M. Doll
Carole S. Doll Carole S. Doll
 Date 29 May 2023 Date 29 May 2023

Fee: \$300 Case #: 6884
 Check #: Cash
 Receipt #: 778803



① Phase 2 to be completed in 2024 within a 60' setback. Additions for Bedrooms. Phase 1 is addition to the existing dining Rm.



Applicant Statement Re: Variance Requirements
Attachment to Woodbury County, Iowa Variance Application
Pursuant to Requirement of Zoning Ordinance Section 2.02:8.F(1) - Pages 19-20
Adopted July 22, 2008; Effective August 01, 2008

In order to grant any variance the Board of Adjustment must determine that granting the variance will not be contrary to the public interest or the general intent and purpose of the ordinances:

(If filling out form online, tab at the end of each line to continue on next line.)

Section F. (1)(a)

- (i) Explain below why granting the variance will not adversely impact nearby properties:

We have no residents within a half of a mile. Surrounding ground is all farming grounds.

Requesting variance to built within the current set back - Phase 1 to be completed within 2023 + within the 62' set back.

- (ii) Explain below why granting the variance will not substantially increases congestion of people, buildings or traffic:

We are Remotely Rural, with very little activity in our area.

- (iii) Explain below why granting the variance will not endanger public health or safety:

There again we are very Remotes. These add ons will not have any toxins, or poisons, etc attach to this project. Not building any closer to the Road, actually. Further then the Existing house is now.

- (iv) Explain below why granting the variance will not overburden public facilities or services:

Electrical, fiber optics, or phone will not have any extra burden on them.

Theres 400 AMP Service to the Property + 200 Amp Service to the House

- (v) Explain below why granting the variance will not impair the enjoyment, use or value of nearby property:

In fact it will be an improvement on the value of this property & will enhance the overall appearance of this area.

Section F. (1)(b)

In order to explain why granting the variance is necessary to assure that the owner does not suffer an economic hardship answer the below questions. (Note: Increased financial return or reduced costs to the applicant are not adequate cause for a finding of hardship.) A finding of economic hardship is based upon each of the following questions.

- i) Explain below why the property cannot yield a reasonable return without the granting of the variance:

is needed to add on to the existing structure. This house is a sound & well built house & is well capable of supporting these additions to enhance the livability & value.

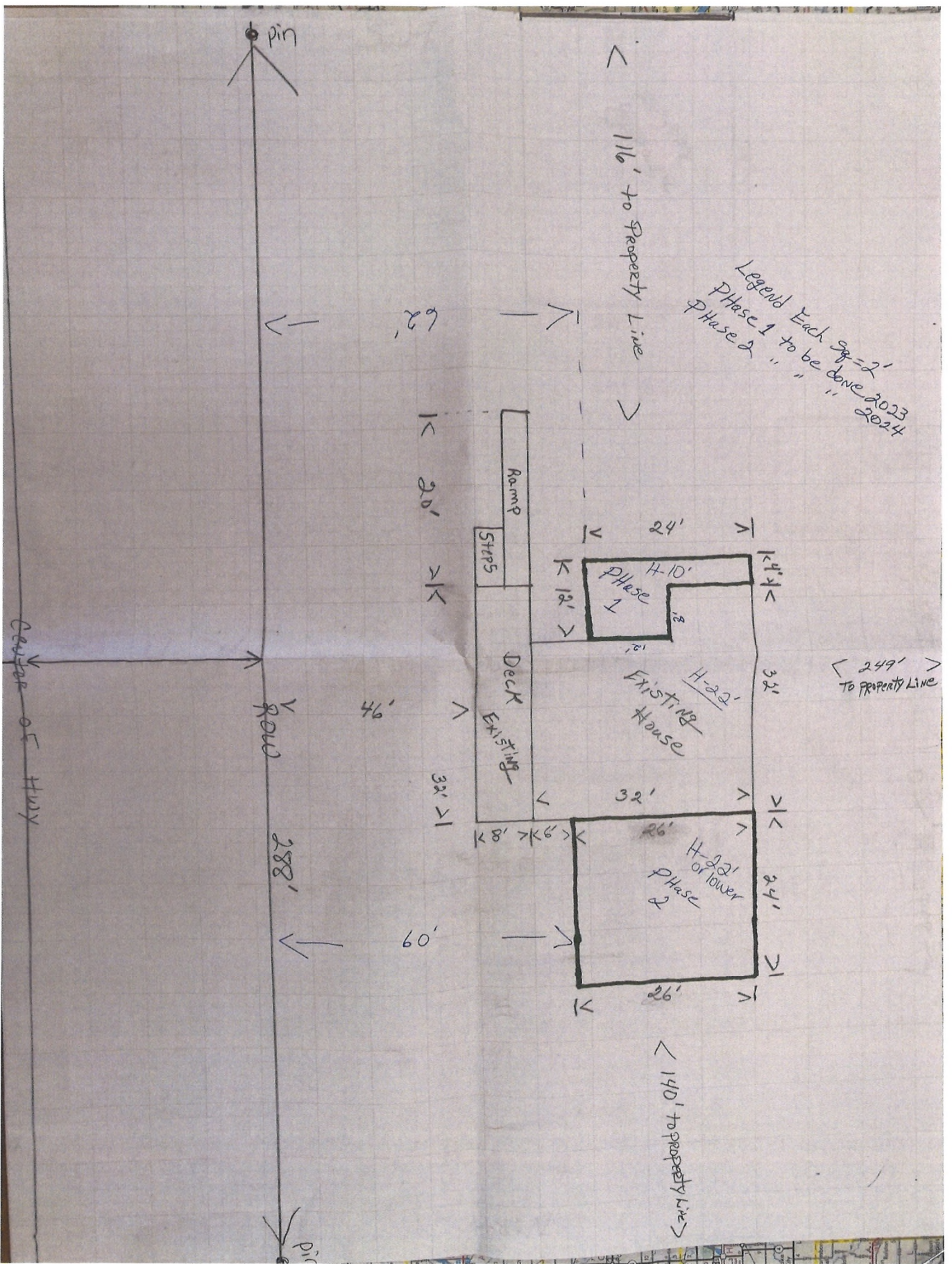
- ii) Explain below why the property has unique physical constraints that result in its inability to be used without the granting of the variance:

If we followed today's set backs these additions would not be attached to the house. I am restrained by today's ordinances, & am not getting closer to the ~~Setback~~ Road & actually further from the road than the house is now.

- iii) Explain below why the hardship is not a result of actions or decisions by the owner:

The set backs were different from when the house was built.

It's not of my doing that this house falls within the 100' set back. At the time we purchased this house this set back was not an issue.



Legend Each Sq=2'
 Phase 1 to be done 2023
 Phase 2 " " " 2024

Center of Hwy

ROW

pin

pin

Ramp
Stairs

Deck
Existing

Phase 1

Existing House

Phase 2
H-22' or lower

116' to Property Line

249' to Property Line

140' to property line

62'

20'

46'

32'

288'

60'

24'

14'

32'

32'

34'

26'

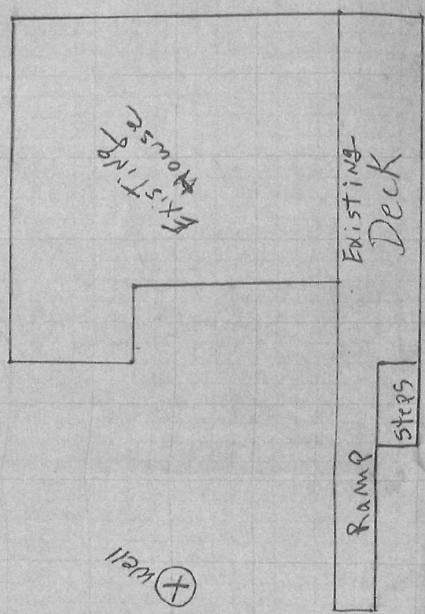
8'

6'

26'

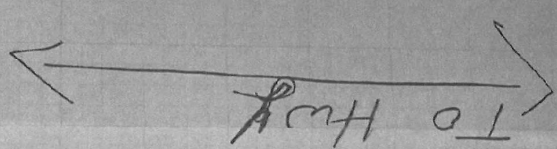
NORTH

West Rear of PROPERTY

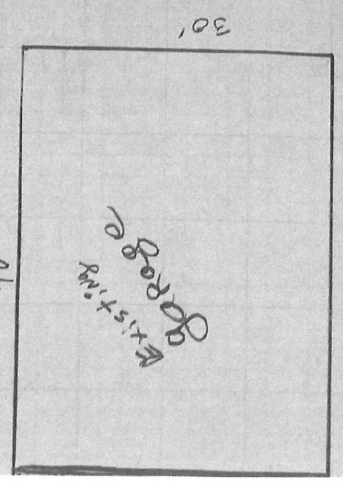
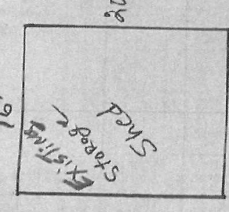


⊕ septic

⊕ well



EAST



SOUTH

LEGAL NOTIFICATION

Published in the Sioux City Journal Legals Section on July 22, 2023.

NOTICE OF PUBLIC HEARING BEFORE THE WOODBURY COUNTY BOARD OF ADJUSTMENT REGARDING A VARIANCE REQUEST TO CONSTRUCT TWO ADDITIONS TO A LEGAL NON-CONFORMING SINGLE-FAMILY DWELLING WITHIN THE 100 FT SETBACK

The Woodbury County Board of Adjustment will hold a public hearing on the following item hereafter described in detail on Monday, July 3, 2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board of Supervisors Meeting Room, Number 104, Woodbury County Courthouse, 620 Douglas Streets, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call 712-454-1133 and enter the Conference ID: 511 060 530# during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider a variance application from property owner(s), Don M. Doll and Carole S. Doll.

The variance application is to request relief from the front yard setback requirements of the Agricultural Preservation (AP) Zoning District in the Woodbury County Zoning Ordinance. The request is to add two additions (in two phases) onto their legal non-conforming single-family dwelling which is located within the 100 FT front yard setback. The Phase 1 addition (approximately 192 square foot addition to the south side of the house) is to expand the existing dining room which would place the addition about 62 FT from the front property line and the Phase 2 (approximately 624 square foot to the north side of the house) addition to add bedrooms which would place the addition about 60 FT from the front property line. Both requests are further from the front property line than the front edge of the existing deck which is about 46 FT from the front property line.

The property is designated as Parcel #85-508400005 and is located in the SE 1/4 of the SE 1/4 of T66N R45 (Willow Township), Section 8. The property is located about 2.6 miles north of Hornick. The property address is 2979 Grundy Ave., Hornick, IA 51026-8009. The property owner(s) are Don M. Doll and Carole S. Doll, 2979 Grundy Ave., Hornick, IA 51026-8009.

PROPERTY OWNER(S) NOTIFICATION

The **four (4)** property owners within 500 FT; and listed within the certified abstractor's affidavit; were notified by an **June 15, 2023** letter of the public hearing before the Woodbury County Board of Adjustment on **July 3, 2023**.

As of **the printing of this packet**, the Community and Development office has received:

- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

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



Property Owner(s)	Mailing Address	Comments			
David P. Wenberg, Cathe Feddersen, Julie Jaspersen	1315 S. Royce St.	Sioux City	IA	51106	No comments.
Richard Gallagher Trustee	1900 Grand Vista LN	Manhattan	KS	66503	No comments.
Paul M. & Jean Hofmann Rev. Trust / Agcentric Farm Agency LLC	2912 Hamilton Blvd Ste 102	Sioux City	IA	51104	No comments.
Don M. & Carole S. Doll	2979 Grundy Ave.	Hornick	IA	51026	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following variance request for MEC electric, we have no conflicts. – Casey Meinen, 6/9/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 6/13/23.
NUSTAR PIPELINE:	No comments.
SIouxLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	I have reviewed the variance request and the property in question. I have no objections or concerns with the proposed change since the landowner is coming no closer to the road than the existing buildings. I would endorse approval of the request. – Mark Nahra, PE, 6/13/23
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comment regarding this request. – Neil Stockfleth, 6/12/23.

CRITERIA 1: (Section 2.02.8F1[A])

In terms of the variance application process, it is the duty of the Board of Adjustment to determine that the *granting of the variance will not be contrary to the public interest or the general intent and purpose of this title in it that it:*

1. ADVERSELY IMPACTS NEARBY PROPERTIES;

2. SUBSTANTIALLY INCREASES CONGESTION OF PEOPLE, BUILDINGS OR TRAFFIC;

3. ENDANGERS PUBLIC HEALTH OR SAFETY;

4. OVERBURDENS PUBLIC FACILITIES OR SERVICES OR;

5. IMPAIRS THE ENJOYMENT, USE OR VALUE OF NEARBY PROPERTY.

Applicant Response:

1. Explain below why granting the variance will not adversely impact nearby properties:

- We have no residents within a half of a mile. Surrounding ground is all farming ground. Requesting variance to build within the current setback. Phase 1 to be completed within 2023 + with the 62' setback.

2. Explain below why granting the variance will not substantially increase congestion of people, buildings or traffic:

- We are remotely rural, with very little activity in our area.

3. Explain below why granting the variance will not endanger public health or safety:

- There again we are very remote. These addons will not have any toxins, or poisons, etc attach to this project. Not building any closer to the road, actually further then the existing house is now.

4. Explain below why granting the variance will not overburden public facilities or services:

- Electrical, fiber optics, or phone will not have any extra burden on them. Theres 400 AMP service to the property & 200 AMP service to the house.

5. Explain below why granting the variance will not impair the enjoyment, use or value of nearby property:

- In fact it will be an improvement on the value of this property & will enhance the overall appearance of this area.

Staff Analysis:

Based on the information presented in this application including the site plan, it is clear that the applicant's plans are constrained by the parameters of the zoning ordinance. Staff concurs with the applicant's responses. This proposal does not appear to adversely impact nearby properties, increase significant congestion to the area, endanger public health or safety, and overburden public facilities or services. This issue appears to be a practical difficulty as the regulations in the ordinance significant impact the property owner's opportunity to add their requested Phase 1 and Phase 2 additions on to the house.

CRITERIA 2: (Section 2.02.8F1[B])

The ordinance also states *that granting the variance is necessary to assure that the owner does not suffer an economic hardship. (Note: increased financial return or reduced costs to the applicant are not adequate cause for a finding for a hardship.) A finding of economic hardship must be based on each of the following:*

6. THE PROPERTY CANNOT YIELD A REASONABLE RETURN IF USED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE;

7. THE PROPERTY HAS UNIQUE PHYSICAL CONSTRAINTS THAT RESULT IN ITS INABILITY TO BE USED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE; AND

8. THE HARDSHIP IS NOT A RESULT OF ACTIONS BY THE OWNER.

Applicant Response:

6. Explain below why the property cannot yield a reasonable return without the granting of the variance:

- Is needed to add on to the existing structure. This house is a sound & well built house & is well capable of supporting these additions to enhance the livability & value.

7. Explain below why the property has unique physical constraints that result in its inability to be used without the granting of the variance:

- If we followed today's setbacks these additions wouldn't be attached to the house. I am restrained by todays ordinances, and am not getting closer to the road & actually further from the road then the house is now.

8. Explain below why the property has unique physical constraints that result in its inability to be used without the granting of the variance:

- The set backs were different from when the house was built. It's not of my doing that this house falls within the 100' set back. At the time we purchased this house this set back was not an issue.

Staff Analysis:

As noted in Criteria #1, this situation can be construed as a practical difficulty for the property owners. It is apparent that the owners have plans to construct additions to their home which will not be built closer to the road than the front edge of the front deck. It is not the fault of the property owners that their dwelling can not be added on to as a result of the current zoning ordinance requirements.

CRITERIA 3: (Section 2.02.8F2-5)

The ordinance also states that no variance shall be granted:

9. WHICH WOULD PERMIT THE ESTABLISHMENT OF A USE WITHIN A GIVEN DISTRICT WHICH IS PROHIBITED THEREIN;

10. WHICH IS SO COMMONLY RECURRING THAT IT IS A DE FACTO AMENDMENT OF THIS ORDINANCE; AND

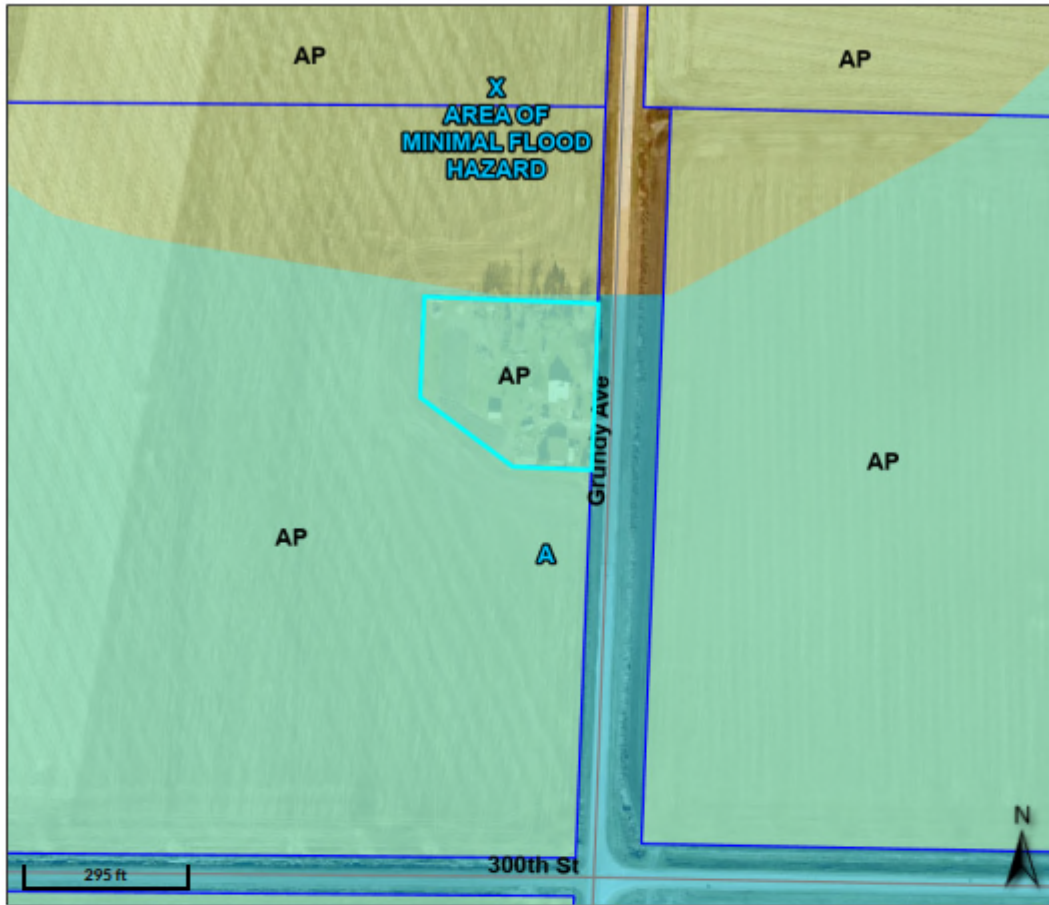
11. THAT IS MORE THAN THE MINIMUM RELIEF NEEDED.

12. TO THE PROVISIONS OF SECTION 5.03 RELATIVE TO FLOOD PLAIN MANAGEMENT REQUIREMENTS UNLESS THE BOARD OF ADJUSTMENT CONSIDERS THE FACTORS LISTED IN SUBSECTION 5.03-9.C (4).

Staff Analysis:

This is a case-by-case situation and it is reasonable for the property owners to present this as a practical difficulty. This request has no impact on land use and is acceptable relief from the practical difficulty that has been presented.

ZONING MAP



Overview



Legend

- Roads
 - ▭ Corp Boundaries
 - ▭ Townships
 - ▭ Parcels
- FEMA Flood Map**
- ▭ A,
 - ▭ AE,
 - ▭ AE, FLOODWAY
 - ▭ AH,
 - ▭ AO,
 - ▭ X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - ▭ X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE
- County Zoning**
- ▭ AE
 - ▭ AP
 - ▭ GC
 - ▭ GC-PD
 - ▭ GI
 - ▭ LI
 - ▭ LI-PD
 - ▭ SR
 - ▭ WR

Parcel ID	864508400005	Alternate ID	685426	Owner Address	DOLL DON M & CAROLE S
Sec/Twp/Rng	8-86-45	Class	R		2979 GRUNDY AVE
Property Address	2979 GRUNDY AVE	Acreage	1.9		HORNICK, IA 51026-8009
	HORNICK				
District	0048				
Brief Tax Description	AN IRREG TCT BEG @ SE COR SESE THEC N705.85' TO PT OF BEG; THEC CONT. N288' THEC W335' THEC S174.55' THEC SE200.24' THEC E170' TO PT OF BEG: 8-86-45				

(Note: Not to be used on legal documents)

Beacon™ Woodbury County, IA / Sioux City

Summary

Parcel ID 864508400005
 Alternate ID 685426
 Property Address 2979 GRUNDY AVE
 HORNICK IA 51026
 Sec/Twp/Rng 8-86-45
 Brief AN IRREG TCT BEG @ SE COR SESE THEC N705.85' TO PT OF BEG; THEC CONT. N288' THEC W335' THEC
 Tax Description S174.55' THEC SE200.24' THEC E170' TO PT OF BEG: 8-86-45
 (Note: Not to be used on legal documents)
 Deed Book/Page 196-431 (12/24/1987)
 Gross Acres 1.90
 Net Acres 1.90
 Adjusted CSR Pts 0
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0048 WILLOW/WESTWOOD
 School District WESTWOOD COMM
 Neighborhood N/A



Owner

Deed Holder
 DOLL DON M & CAROLE S
 2979 GRUNDY AVE
 HORNICK IA 51026-8009
 Contract Holder
 Mailing Address
 DOLL DON M & CAROLE S
 2979 GRUNDY AVE
 HORNICK IA 51026-8009

Land

Lot Area 1.90 Acres ; 82,764 SF

Residential Dwelling

Occupancy Single-Family / Owner Occupied
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1919
 Condition Normal
 Roof Mtl / Gable
 Flooring
 Foundation TILE
 Exterior Material Alum
 Interior Material Plas / Drwl
 Brick or Stone Veneer
 Total Gross Living Area 1,209 SF
 Main Area Square Feet 624
 Attic Type 3/4 Finished; 281 SF
 Number of Rooms 5 above; 0 below
 Number of Bedrooms 3 above; 0 below
 Basement Area Type Full
 Basement Area 624
 Basement Finished Area
 Plumbing 1 Standard Bath - 3 Fi;
 Appliances 1 Dishwasher;
 Central Air Yes
 Heat Yes
 Fireplaces
 Porches
 Decks Wood Deck (210 SF);
 Additions 1 Story Frame (56 SF);
 1 Story Frame (40 SF);
 1 Story Frame (208 SF);
 Garages 1,200 SF - Det Frame (Built 1990);
 360 SF - Det Frame (Built 1920);

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Shed	STORAGE	12	16	1950	1
0	Barn - Flat	BARN	24	32	1950	1
0	Lean-To	LEAN TO	12	32	1950	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/24/1987			196/431	NORMAL ARMS-LENGTH TRANSACTION	Deed		\$27,302.00

Permits

Permit #	Date	Description	Amount
6273	10/09/2017	Deck/Patio	1,500

Valuation

	2023	2022	2021	2020	2019
Classification	Residential	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$38,000	\$38,000	\$38,000	\$40,660	\$40,660
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$87,230	\$59,570	\$59,570	\$56,990	\$56,030
= Gross Assessed Value	\$125,230	\$97,570	\$97,570	\$97,650	\$96,690
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$125,230	\$97,570	\$97,570	\$97,650	\$96,690

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

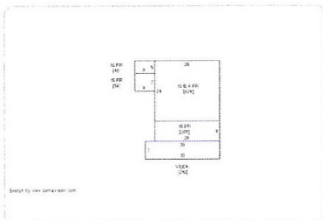
Woodbury County Tax Credit Applications

[Apply for Homestead, Military or Business Property Tax Credits](#)

Photos



Sketches



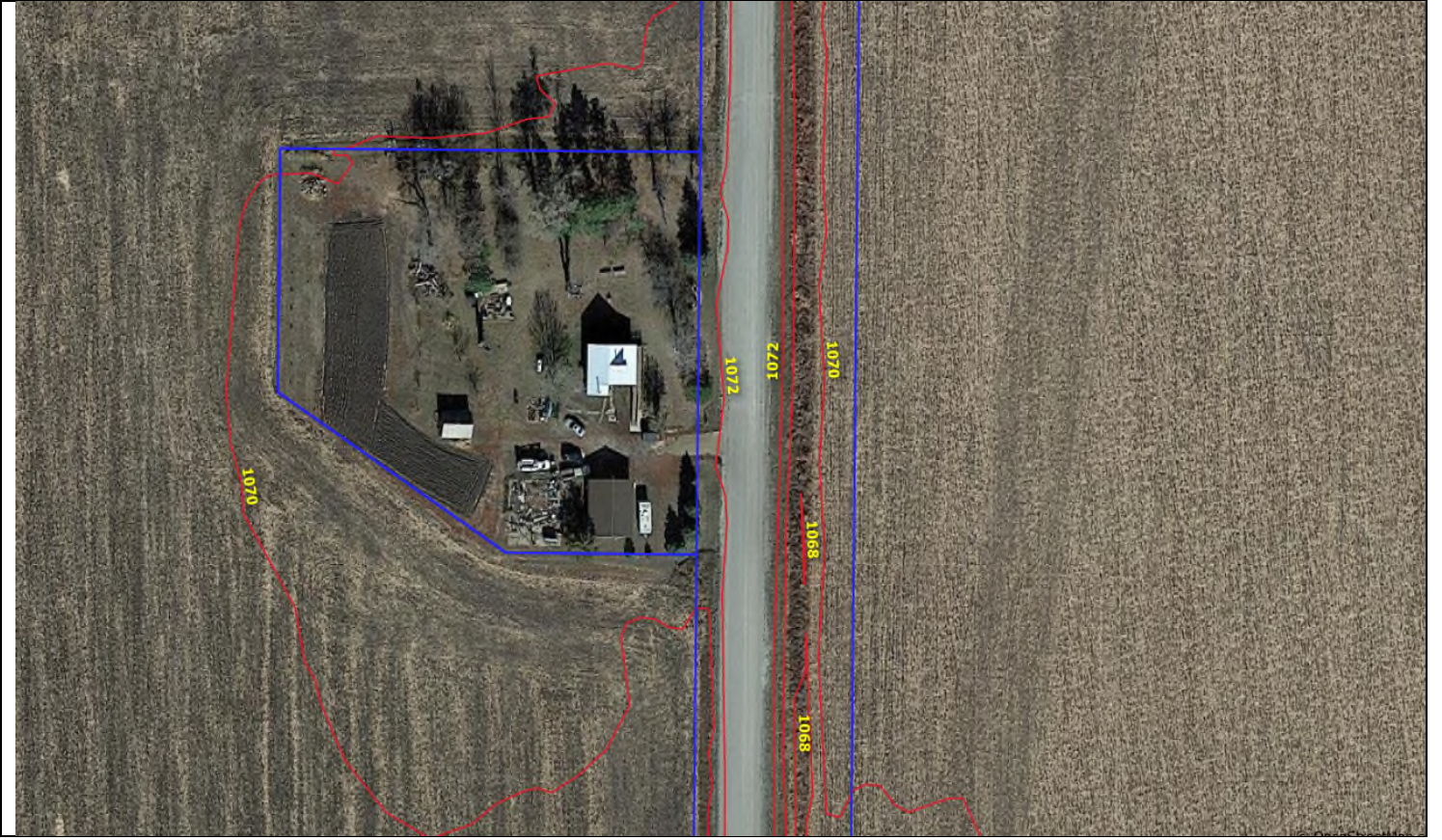
No data available for the following modules: Commercial Buildings, Yard Extras, Sioux City Tax Credit Applications, Sioux City Board of Review Petition.



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Last Data Upload: 6/7, 2023, 7:04:04 PM

ELEVATION MAP





Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WOODBURY COUNTY, IOWA (Unincorporated Areas)	A portion of Section 8, Township 86 North, Range 45 West, 5th Principal Meridian, as described in the Warranty Deed-Joint Tenancy, recorded on Roll 196, Page 431, in the Office of the Recorder, Woodbury County, Iowa
	COMMUNITY NO.: 190536	
AFFECTED MAP PANEL	NUMBER: 19193C0450D	
	DATE: 9/29/2011	
FLOODING SOURCE: LOCAL FLOODING		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.272, -96.097 SOURCE OF LAT & LONG: ARCGIS 10.2 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	2979 Grundy Avenue	Property	X (unshaded)	--	--	1069.2 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

ZONE A
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

**RULES OF PROCEDURE
FOR THE
WOODBURY COUNTY BOARD OF ADJUSTMENT**

ARTICLE I: PURPOSE

The Woodbury County Board of Adjustment created the foregoing rules with the intent of making its procedures clear, clean, and easy to follow, both for the Board members and for members of the public.

The following rules of procedure have been approved by the Board of Supervisors on MONTH/DATE/YEAR and are hereby adopted by the Woodbury County Board of Adjustment.

February 8, 2022

ARTICLE II: MEMBERS

There are 5 members of the Woodbury County Board of Adjustment. They shall be residents of unincorporated Woodbury County, Iowa and are appointed by the Woodbury County Board of Supervisors.

ARTICLE III: OFFICERS

Section 1. Officers

The Board shall select from its membership a Chair and a Vice-Chair who will perform the usual duties pertaining to such office. Per Section 2.01: B of the County Zoning Ordinance, the Zoning Director or his/her appointee, will serve as Secretary.

Section 2. Selection

At the first regular meeting of the calendar year the Board will pick its officers from its membership. All officers are eligible for re-election.

Section 3. Tenure

The Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

The Vice-Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

Section 4. Duties

The Chair will preside at all regular meetings and hearings, appoint committees, and perform such other duties as may be ordered by the Board. The Vice-Chair shall act in the capacity of the Chair in their absence. If the Chair and Vice-Chair are both absent from a meeting and there is a quorum, the most-senior Board member shall serve as Chair of that meeting. The Secretary will record and maintain minutes of the meetings, maintain all records, and perform such other duties as the Board of Adjustment may determine.

Section 5. Vacancy

If office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Board shall select a successor to the office of Vice-Chair for the unexpired term. If only the office of the Vice-Chair becomes vacant, the Board shall select a successor to the office of Vice-Chair for the unexpired term.

ARTICLE IV. MEETINGS

Section 1. Compliance with the Open Meetings Law

All meetings of the Board shall be conducted in compliance with Chapter 21 of the Code of Iowa and other applicable law.

Section 2. Regular Meetings

The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at 6pm in the 1st Floor Board Room at the Woodbury County Courthouse, subject to formal business to be considered. Notice of the regular meeting shall typically be sent by the Secretary to the members at least 2-days prior to such meeting and shall state the purpose and time of the meeting.

Section 3. Special Meetings

Special meetings may be called at the request of the Chair from time to time as required to conduct the business of the County, provided that at least 24-hours notice of such meeting is given to each member.

Section 4. Quorum and Consensus

The presence of three members shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place.

Section 5. Majority Required

A majority of the quorum present is required for the adoption of any matter to come before the Board.

Section 6. Manner of Acting

Any question to come before the Board shall be in the form of a motion by a Board member and shall require a second for consideration. Remarks made by a Board member shall be limited to 10-minutes unless an extension is granted by a majority of the Board. Board members shall address the Chairperson and confine their remarks to the question before the Board and shall be respectful of other Board members and avoid referencing or questioning the motives of another Board member.

Section 7. Roll Call Votes.

The Chair shall order a roll call vote when requested by a member. The roll shall be called alphabetically, except the Chair shall be called last.

Section 8. Effects of Abstention.

When a Board member abstains due to a conflict of interest, the vote of the Board shall be computed on the basis of the number of Board members not disqualified by reason of conflict of interest. However, at least 3 Board members eligible to vote are required for a quorum on any matter. Abstentions that are not due to a conflict of interest shall be counted as a "no" vote.

Section 9. Electronic Participation

Members of the Board may participate in a meeting by electronic means only in circumstances where participation in person is impossible or impractical. Any member participating electronically shall be connected by a speaker phone, video conference, or other device or software, so that the public can hear any discussion by that member. The vote of any member participating electronically must be made public at the meeting and the minutes of the meeting shall include sufficient information to indicate the vote of each member participating.

ARTICLE V: ADMINISTRATION

Section 1.

Board meetings are administered by the Chair. The Chair has the right to:

1. Call the meeting to order
2. Recognize speakers
3. Call for motions on agenda items, and facilitate debate
4. Preserve order and decorum
5. Determine points of order

ARTICLE VI. ORDER OF BUSINESS

Section 2.

The Secretary will prepare an agenda for each meeting and send it to each member typically at least 2-days before the meeting. The order of business shall typically be as follows:

1. Call to order and opening statement by Chair
2. Roll call
3. Public comments on matters not on the established agenda (3-minute limit)
4. Approval of minutes
5. Item of business
6. Public comments on matters not on the established agenda (3-minute limit)
7. Board member comments
8. Adjournment

Section 3.

As to an item of business, the order shall typically be as follows:

1. Staff report
2. Petitioner comments
3. Board member comments and questions for staff/petitioner
4. Staff/petitioner rebuttal opportunity
4. Public comments
5. Staff/petitioner rebuttal opportunity
6. Vote

ARTICLE VII. MOTIONS AND VOTING

Section 1.

Motions may be made by anyone on the Board. The Chair will restate the motion before a vote is taken. The Board typically recognizes three kinds of motions:

- A. Main Motion – request for action on an item; can be made by any member, including the Chair.
- B. Motion to Amend a Motion – which the Board must vote on first, then the Board votes on the underlying motion.
- C. Motion to Postpone discussion of a matter until a future meeting.

Section 2.

Another Board member may then second a motion. The motion dies if no member seconds it.

Section 3.

The Board may then debate the motion further.

1. Members should keep their discussion concise and limited to the motion on the table.
2. A member may withdraw his/her own motion at any time during debate.

Section 4.

The Chair may then conclude debate by calling for a vote. Each member must respond:

1. Yes ("aye")
2. No ("nay")
3. Abstain

Section 5.

The Chair shall then state whether the motion passes or fails, and the final vote tally.

ARTICLE VIII. PUBLIC PARTICIPATION

Section 1.

Any member of the public wishing to address the Board may do so during the appropriate "public comments" section of the Order of Business.

Section 2.

Comments by any one member of the public shall be limited to 3 minutes.

Section 3.

Any person so addressing the Board shall step up to the microphone and give their name and address for the record.

Section 4.

Should a person engage in slanderous remarks, personal attacks, or boisterous behavior, the Chair may refuse to recognize the speaker, may ask the speaker to leave, or may have the speaker removed.

ARTICLE IX. AMENDMENTS

Section 1.

The Board may suspend or amend these rules at any regular or special meeting by a majority vote of the members present.

6/6/22

DATE ADOPTED

ATTESTOR




CHAIRPERSON

DRAFT PROPOSAL
LANGUAGE – SUBJECT
TO CHANGES

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendment #1 –

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Aggregate crush & screen (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

Amendment #2 –

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Asphalt mixing (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

Amendment #3 –

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Concrete mixing (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice-Chairman

Daniel Bittinger II

Attest:

Mark Nelson

Patrick Gill, Woodbury County Auditor

Keith Radig

Adoption Timeline:
Date of Public Hearing and First Reading _____
Date of Public Hearing and Second Reading _____
Date of Public Hearing and Third Reading _____
Date of Adoption _____
Published/Effective Date _____

DRAFT

**INFORMATION / DISCUSSION: UPDATE ON ZONING COMMISSION MAY 22, 2023
RECOMMENDATION FOR SOLAR ENERGY SYSTEMS AMENDMENTS PROPOSAL
TO WOODBURY COUNTY ZONING ORDINANCE.**

As directed by the Woodbury Zoning Commission on Monday, May 22, 2023, the Woodbury County Attorney's office worked with staff to review/revise the language in the draft ordinance amendments concerning solar to account for net metering opportunities prior to this language being sent to the Board of Supervisors (BoS) for up to three (3) public hearings. The revisions are included in the color "red" below.

This was brought back to the Zoning Commission at the June 26, 2023 meeting as an "Information / Discussion" item to update the Commission and the public about the revisions. The public hearing dates before the Board of Supervisors are yet to be determined.

DRAFT

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE *TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: SECTION 6.02 ENTITLED *DEFINITIONS*; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendment #1 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems (Private use)”. With placement of the letter “A” within the AP (Agricultural Preservation), AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), LI (Limited Industrial), and GI (General Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition, “Solar Array” as definition 158 to Article 6. Definitions. Section 6.02: Definitions as “158. Solar Array. Equipment used for private or utility scale solar energy systems. Can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

On page 92: To add the following definition, “Solar Energy Systems, Private” as definition 159 to Article 6. Definitions. Section 6.02: Definitions as “159. Solar Energy Systems, Private. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy primarily for immediate onsite use that already has an existing principal use on the same parcel. Solar Energy Systems, Private shall be allowed only as a non-utility scale accessory use to a permitted principal use. Surplus energy sold back to a utility must comply with all applicable laws including but not limited to Section 199, Chapter 15.11(5) of *Iowa Administrative Code*, and all requirements of the Iowa Utilities Board. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

Amendment #2 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems, Utility Scale”. With placement of the letter “C” within the AP (Agricultural Preservation) and the GI (General Industrial) zoning districts columns on the table related to this line item use and with the placement of “--” in the AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), and LI (Limited Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition of “Solar Energy Systems, Utility Scale” as definition 160 to Article 6. Definitions. Section 6.02: Definitions as “160. Solar Energy Systems, Utility Scale. An energy system, commonly referred to as a “solar farm”, which converts solar energy to useable thermal, mechanical, chemical, or electrical energy primarily for transmission through the electrical grid for offsite use or wholesale and/or retail sale. Systems can be mounted on primary or accessory structures, on a

racking system affixed to the ground, or integrated as a mechanical or structural component of a structure. Utility scale solar energy systems do not include concentrating solar power (CSP) systems.”

Amendment #3 –

Beginning on page 92, to re-designate or re-number the definitions in Article 6. Definitions. Section 6.02: Definitions 158 through 188. The purpose is to add “Solar Array” as definition 158, “Solar Energy Systems, Private” as Definition 159, and “Solar Energy Systems, Utility Scale” as Definition 160 thereby pushing the existing definitions 158 through 188 ahead three positions with Article 6. Definitions. Section 6.02 now including definitions 1 through 191.

Beginning on page 82, to amend Article 6. Definitions by moving the start page from page 82 to page 83.

On page iii: To repeal and replace “Section 6.01: Construction of Terms 82” with “Section 6.01 Construction of Terms 83”

On page iii: To repeal and replace “Section 6.02: Definitions 82” with “Section 6.01: Definitions 83”

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice-Chairman

Daniel Bittinger II

Attest:

Mark Nelson

Patrick Gill, Woodbury County Auditor

Keith Radig

Adoption Timeline:
Date of Public Hearing and First Reading _____
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Date of Public Hearing and Third Reading _____
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