

## Minutes - Woodbury County Zoning Commission Meeting – July 24, 2023

The Zoning Commission (ZC) meeting convened on the 24th of July at 6:00 PM in the 1<sup>st</sup> Floor Board of Supervisor's Meeting Room, in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zant, Corey Meister, Tom Bride, Barb Parker, Jeff O'Tool  
County Staff Present: Dan Priestley, Dawn Norton, Dan Bittinger  
Public Present: William Walker  
Phone: Jason Meihost

### Call to Order

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

### Public Comment on Matters Not on the Agenda

None

### Approval of Previous Meeting Minutes – June 26, 2023

Bride motioned. Second: Parker. Motion carried: 5-0.

### Review of Conditional Use Permit Application for a Recommendation to the Board of Adjustment: Request to Setup a Portable Concrete Plant for Hwy 20 Paving for IDOT Project NHSX-020—1(179)—3H-97 on Parcel #884701200009:

Priestley read the staff report into the record. Jason Meihost, Croell, Inc. (Applicant) and Midwest Auto Properties, LLC have filed a conditional use permit application to request to use the property designed as Parcel #884701200009 for a portable concrete plant in support of the Hwy 20 paving project identified as IDOT Project NHSX-020-1(179)—3H-97. The proposed location is south of Hwy 20 and west of Charles Avenue. The property is addressed at 1605 Charles Ave., Lawton, IA 51030. Appropriate landowners and stakeholders were notified. Jason Meihost, Croell, Inc., spoke by telephone. Dust will be mitigated by putting rock surface down and watering surfaces. Operations will only take place during sunup and sundown. No public comment during meeting. Priestley noted there is a well on the parcel. Siouland District Health department has verified it has been capped and marked. Priestley received phone call from neighboring landowner asking about the grading and the well on the property. Staff recommends that the Zoning Commission recommend approval. O'Tool made a motion as written to recommend approval that the property located on Parcel #884701200009 can be used as a temporary concrete plant to support Iowa DOT Project NHSX-020-1(179)--3H-97. Second: Meister. Motion carried: 5-0.

### Review of Conditional Use Permit Application for a Recommendation to the Board of Adjustment: Request for a Private Wind Turbine Installation and Use on Parcel #864626400009.

Priestley read the staff report into the record. William Kyle Walker (owner) has filed a conditional use permit application for the installation and use of a wind turbine. The said turbine along with its support tower was previously installed on this property and the owner has retroactively filed this permit request as required under Section 3.03.4 of the Zoning Ordinance. The property abuts Hwy 141 to the north and Fayette Avenue to the west. This proposal has been properly noticed in the Sioux City Journals legal section on July 18, 2023. The neighbors within 500 FT were duly notified via a July 14, 2023 letter about the July 31, 2023 Board of Adjustment public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA). The portion where the house is located was removed from the floodplain via Letter of Map Revision Based of Fill Case No.: 15-07-1298A. Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal can meet the criteria for approval of the conditional use request based on conditions. Staff recommends approval contingent upon the property owner(s) meeting the following conditions:

- The turbine tower installation/placement shall meet or exceed the 10 FT accessory setback requirements from the west property line as enumerated in the Woodbury County Zoning Ordinance (Section 3.04).
- The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03).

Bride asked about the relationship with MidAmerican and whether the applicant is using the ag exempt. Walker indicated that the county does not recognize the exemption because he doesn't row crop. O'Tool asked if progress has been made with MidAmerican in terms of hooking up to the grid. Walker indicated he is working with the state electrical. Bride inquired as to who performs the electrical inspection. Walker replied the State of Iowa. Motion by

O'Tool to recommend approval of this conditional use permit request to the Board of Adjustment with the following conditions:

- The property owners shall ensure that:
  - o The turbine tower installation/placement shall meet or exceed the 10 FT accessory setback requirements from the west property line as enumerated in the Woodbury County Zoning Ordinance (Section 3.04).
  - o The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03).

Second: Parker. Motion carried: 5-0.

**Consider to Adopt Amendment to Rules of Procedure for the Meeting Day, Time, and Location of the Woodbury County Zoning Commission:**

Discussion to consider moving the Zoning Commission meeting time to 5:00 p.m. and setting meeting date to 4<sup>th</sup> Monday of each month. Zoning Commission meeting time is independent of the Board of Adjustment start time. Staff has been asked to adjust meeting times in concern of overtime for security personal. Board members voted 5-0 to move meeting start time to 5:00 p.m. Motion by Bride; second by O'Tool. Carried: 5-0, to amend the Rules of Procedure for the Woodbury County Zoning Commission, Article IV., Section 2. Regular Meetings to read: The Zoning Commission is on-call for its regular meeting scheduled on the fourth Monday of every month beginning at 5:00 p.m. in the 1<sup>st</sup> Floor Board Room in 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.

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

None

**Commissioner Comment of Inquiry**

None

**Staff Update**

Priestley informed the Commissioners that the solar ordinance amendment will be considered by the Board of Supervisors with three public hearings to be held on August 1, 8, and 15 at 4:45 PM on each date.

**Adjourn**

Motion by Meister. Second by Parker. Carried 5-0. Meeting adjourned at 6:28 PM.