



WOODBURY COUNTY BOARD OF ADJUSTMENT SPECIAL MEETING

Monday, July 31, 2023 at 6:00 PM

The Woodbury County Board of Adjustment will hold a special public meeting on **Monday, July 31, 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: 890 392 559#** 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 THE MINUTES: July 3, 2023 - Meeting
5	ITEM(S) OF ACTION / BUSINESS
»	<p>PUBLIC HEARING: TO CONSIDER FOR APPROVAL, A CONDITIONAL USE PERMIT APPLICATION - REQUEST TO SETUP A PORTABLE CONCRETE PLANT FOR HWY 20 PAVING FOR IDOT PROJECT NHSX-020-1(179)--3H-97 ON PARCEL #884701200009</p> <p>Jason Meihost, Croell, Inc. (Applicant) and Midwest Auto Properties, LLC have filed a conditional use permit application to request to use the property designated 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. Applicant(s)/Owner(s): Jason Meihost, Croell, Inc. / Midwest Auto Properties, LLC.</p>
»	<p>PUBLIC HEARING: TO CONSIDER FOR APPROVAL, A CONDITIONAL USE PERMIT APPLICATION - REQUEST FOR A PRIVATE WIND TURBINE INSTALLATION AND USE ON PARCEL #864626400009</p> <p>William Kyle Walker 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 is addressed at 3281 Fayette Avenue, Sloan, IA 51055. Applicant(s)/Owner(s): William Kyle Walker / Alana R. Walker</p>
»	<p>CONSIDERATION TO ADOPT AMENDMENT TO RULES OF PROCEDURE FOR THE MEETING DAY, TIME, AND LOCATION OF THE WOODBURY COUNTY BOARD OF ADJUSTMENT</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 – July 3, 2023

The Board of Adjustment meeting convened on the 3rd of July 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, Doyle Turner, Pam Clark
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Don Doll

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 June 5, 2023, minutes were approved. Motion by Clark to approve; Second by Turner. Motion passed 3-0.

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

Priestley read the staff report into the record. 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 require the addition to be about 62 FT from the front property line and the Phase 2 addition to add bedrooms which would require 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. Based on the information provided, staff recommends approval of this request as it can be construed as a practical difficulty from 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. Nearby neighbors and stakeholders have been notified. Woodbury County Engineer, Mark Nahra, has no objections or concerns since the landowner is coming no closer to the road than the existing building. Motion to close public hearing: Turner. Second: Clark. Motion approved 3-0. Motion by Turner to approve variance request as proposed. Second: Clark. Motion carried 3-0.

Information/Discussion: Possible Changes to Meeting Time and Location for The Woodbury County Board of Adjustment as Referenced in The Rules of Procedure

Priestley has been approached by the Board of Supervisors to propose a change in time/place for the Zoning Commission and Board of Adjustment meetings. He has spoken to members of the Zoning Commission about the possibility of adjusting their meeting time to 5:00 pm and is asking the Board of Adjustment for their input. Changing the meeting time earlier would be a hardship for one member, although it would benefit another member. In an effort to shorten the meetings, Priestley recommended adhering to the 3-minute rule for public comment, and exiting the building promptly after the meeting is adjourned. The discussion will be addressed again next meeting. When a decision is made, it will be presented to the Board of Supervisors for approval.

Information / Discussion: Proposed Zoning Ordinance Text Amendment Concerning Temporary Heavy Construction Services:

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.

These amendments would allow for onsite mixing, for temporary purposes only, and the CUP would allow the proposals to be reviewed and conditions applied, if needed. Board of Supervisors will have the first public hearing on the amendments July 11, 2023, and may waive 2nd and 3rd readings. Priestley recommended the Board of Adjustment have a Special Meeting July 31, 2023, in place of the August 1, 2023 as there is an application in office waiting for approval.

CURRENT								
LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT								
ok Principal allowed use								
C Conditional use								
A Accessory use	AP	AE	NR	SR	GC	HC	LI	GI
TU Temporary use								
-- Prohibited use								
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	--	--	C	C
Asphalt mixing (temporary)	C	--	--	--	--	--	C	C
Concrete mixing (temporary)	C	--	--	--	--	--	C	C

PROPOSED								
LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT								
ok Principal allowed use								
C Conditional use								
A Accessory use	AP	AE	NR	SR	GC	HC	LI	GI
TU Temporary use								
-- Prohibited use								
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	C	C	C	C
Asphalt mixing (temporary)	C	--	--	--	C	C	C	C
Concrete mixing (temporary)	C	--	--	--	C	C	C	C

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

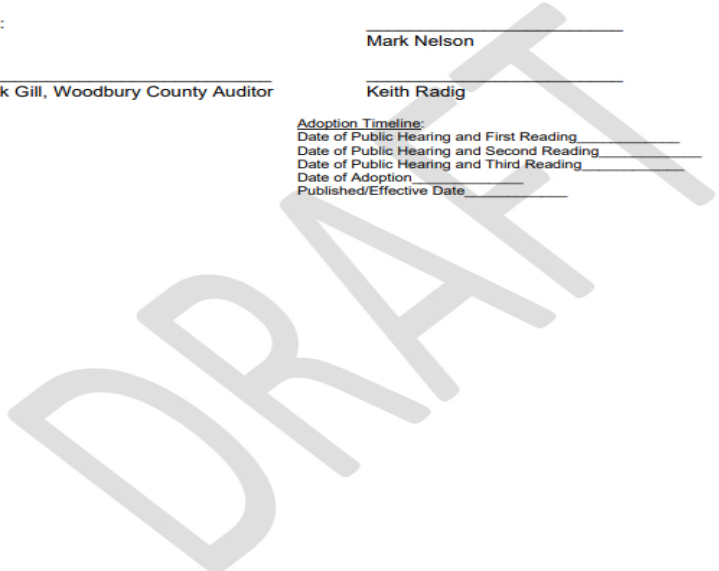
Mark Nelson

Keith Radig

Attest:

Patrick Gill, Woodbury County Auditor

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 _____



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

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. 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 for up to three (3) public hearings. This item 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. The amendments will allow review by Zoning Commission and Board of Adjustment with the opportunity to add conditions, if needed. Revisions are shown below in red.

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

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

None

Adjourn

Motion by Clark. Second: Turner. Carried 3-0. The meeting adjourned at 6:38 P.M.



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT (PLANNING AND ZONING)

Address: 620 Douglas Street – Sixth Floor, Sioux City, IA 51101 | Phone: 712-279-6609 | Fax: 712-279-6530 | Web: woodburycountyia.gov
 Daniel J. Priestley, MPA – Zoning Coordinator: dpriestley@woodburycountyia.gov
 Dawn Norton – Senior Clerk: dnorton@woodburycountyia.gov

FINAL REPORT – JULY 26, 2023

CONDITIONAL USE PERMIT REQUEST

APPLICATION DETAILS

PROPERTY DETAILS

CONTENTS

Applicant(s)/Owner(s):	Jason Meihost, Croell, Inc. / Midwest Auto Properties, LLC.
Application Type:	Conditional Use Permit. Setup a portable concrete plant for Hwy 20 paving on IDOT Project NHSX-020-1(179)--3H-97
Zoning District:	General Commercial (GC)
Total Acres:	5.0
Current Use:	Vacant
Proposed Use:	Portable Concrete Plant
Pre-application Meeting:	Phone
Application Date:	June 30, 2023
Legal Notice Date:	July 18, 2023
Neighbor(s) Notice Date:	July 18, 2023
Stakeholder(s) Notice Date:	July 5, 2023
Board of Adjustment Public Hearing Date:	July 31, 2023

Parcel #:	884701200009
Township/Range:	T88N R47W (Woodbury)
Section:	1
Quarter:	Pt of Gov't Lot 1
Zoning District:	General Commercial
Floodplain District:	Zone A
Address:	1605 Charles Ave., Lawton, IA 51030

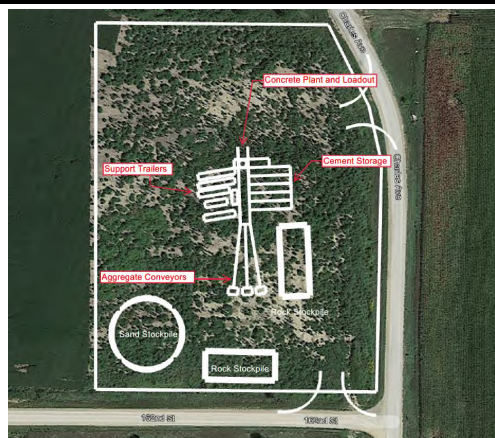
Summary, Location Aerial, Site Plan Excerpt, Recommendation, & Suggested Motion
Legal Notification
Neighbor(s) Notification
Stakeholder(s) Comments
Review Criteria / Applicant Responses
Application
Supporting Documentation

SUMMARY

Jason Meihost, Croell, Inc. (Applicant) and Midwest Auto Properties, LLC have filed a conditional use permit application to request to use the property designated as Parcel #884701200009 as 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 directly abuts Hwy 20 and Charles Avenue. This proposal has been noticed in the Sioux City Journals legal section on July 18, 2023. The neighbors within 500 FT were duly notified via a July 18, 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) and any proposed structures temporary or permanent will be subject to floodplain development permit(s). Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval of the conditional use request. It is the recommendation of staff to approve the proposal. The Woodbury County Zoning Commission voted unanimously 5-0 to recommend approval to the Board of Adjustment that the property located on Parcel #884701200009 be used as a temporary concrete plant at their meeting on July 24, 2023.

LOCATION / AERIAL VIEW

SITE PLAN EXCERPT



ZONING COMMISSION STAFF RECOMMENDATION & SUGGESTED MOTION

The Woodbury County Zoning Commission voted unanimously 5-0 to recommend approval to the Board of Adjustment that the property located on Parcel #884701200009 be used as a temporary concrete plant at their meeting on July 24, 2023. Staff recommends approval of the proposal.
Suggested Motion: motion to approve 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.

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 1st 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. Siouxland 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 4th 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 1st 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.

LEGAL NOTIFICATION

Published in the Sioux City Journal's Legal Section on July 18, 2023

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

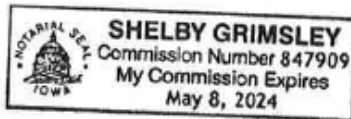
ORDER NUMBER 61413

Subscribed and sworn before me in Sioux City, in said County,
this 19th day of JULY, 2023.

Troy Simms

Shelby Grimsley Notary Public

In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 07/18/2023

TOTAL AD COST: 49.99
FILED ON: 7/19/2023

**NOTICE OF PUBLIC HEARINGS BEFORE
THE WOODBURY COUNTY BOARD OF
ADJUSTMENT**

The Woodbury County Board of Adjustment will have a special meeting and will hold public hearings on the following items hereafter described in detail on July 31, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items 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 these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 890 382 559# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Jason Mehost of Croell, Inc. (Applicant) and Midwest Auto Properties, LLC. (Ownership). The Conditional Use Permit application request is to setup a portable concrete plant for the Highway 20 paving project identified as IDOT Project NHSX-020-1(179)-3H-97. The property is located on Parcel #884701200009 in T88N R47W (Woodbury Township) in Section 11 on part of Government Lot 1. The property is located about 2.7 miles east of Sioux City and about 3 miles west of Lawton on the southside of Highway 20 abutting Charles Avenue to the west. The property is located in the General Commercial (GC) Zoning District and is located in Zone A of the Special Flood Hazard Area (floodplain). Owner(s)/Applicant(s): Midwest Auto Properties, LLC., 1901 Hwy 20, Lawton, IA 51030; Jason Mehost, Croell, Inc., 2010 Kenwood Ave., New Hampton, IA 50653.

Item Two (2)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by William Kyle Walker (Applicant/owner) and Aiana R. Walker (Owner). The Conditional Use Permit application request is for the installation and use of a wind turbine which is classified in the Woodbury County Zoning Ordinance under electric wind generator (private use). The wind turbine along with its support tower was previously installed on this property and this application for a conditional use permit has been retroactively filed with Woodbury County. The property is located on Parcel #884826400009 in T88N R46W (Sloan Township) in Section 26 in the SE 1/4 of the SE 1/4. The property is located about 2.7 miles west of Horrick and about 3 miles east of Sloan on the northside of Highway 141 abutting Fayette Avenue to the west. The property is located in the Agricultural Preservation (AP) Zoning District and portions of the property are located in Zone A of the Special Flood Hazard Area (floodplain). Applicant(s)/owner(s): William Kyle Walker and Aiana R. Walker, 3281 Fayette Ave., Sloan, IA 51055.

PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 500 FT via Certified Abstractor's Listing:	8	
Notification Letter Date:	July 18, 2023	
Public Meeting for Review:	Woodbury County Zoning Commission	
Public Hearing Board:	Woodbury County Board of Adjustment	
Public Hearing Date:	July 31, 2023	
Phone Inquiries:	1	
Written Comments:	0	
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			
Midwest Auto Properties, LLC	1901 Hwy 20	Lawton	IA	5103 0	No comments.
Brian D. Peterson	1739 Charles Ave.	Lawton	IA	5103 0	No comments.
Everett Dean Neal & Trustee of the Lois Jeanette Deringer Revocable Trust	1637 Charles Ave.	Lawton	IA	5103 0-9727	No comments.
Dana D. Neal & Kimberly A. Neal	1774 162nd St.	Lawton	IA	5103 0	No comments.
Rent Properties LLC	204 Buckeye Circle	Lawton	IA	5103 0	No comments.
H & H Real Estate, LLC	1624 180th ST.	Sioux City	IA	5110 6	No comments.
Michael Pagan & Terri Pagan	1589 Charles Ave.	Lawton	IA	5103 0	No comments.
Todd Shumansky & Tara M. Shumansky	1275 Buchanan Ave.	Sioux City	IA	5110 8	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
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments
LOESS HILLS PROGRAM:	No comments
LONGLINES:	No comments
LUMEN:	No comments
MAGELLAN PIPELINE:	No comments
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following conditional use permit request for MEC electric, and we have no conflicts. Thanks Dan, let me know if you have any questions. – Casey Meinen, 7/6/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC “Gas” either. – Tyler Ahlquist, 7/6/23.
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 issues with this request. – Jeff Zettel, 7/18/23.
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 no concerns with the proposed conditional use permit. This is a good location for this temporary plant site. Thank you for contacting me. – Mark Nahra, 7/6/23.
WOODBURY COUNTY RECORDER:	No comments
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this application. – Neil Stockfleth, 7/6/23.

ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT’S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The purpose of the site is to setup a portable batch plant to supply our concrete for the Hwy 20 project coming out of Sioux City. The work is scheduled for late August into the beginning of September, both 2023 and 2024. By utilizing a site at the end of the Hwy 20 project we should be able to minimize the mix of construction traffic delivering concrete with traveling public. The site would have regular material deliveries of the raw ingredients for our concrete. I would estimate a maximum of 180 truck loads in a day, but most days the number of deliveries would be less than 80. We are expecting only 5 days of maximum production and another 25 at a much lower volume. I am planning on all deliveries coming off Hwy 20 to Charles Ave and the 2 driveways into the property.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

1. Maps
 - a. See attachment

CRITERIA 1:

The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

I believe that the requested conditional use is authorized within the applicable zoning district based on my understanding of the zoning regulations and ordinances of Woodbury County, Iowa. The proposed use satisfies the specific conditions and standards set forth in the relevant authorization criteria. Furthermore, appropriate measures and mitigation strategies have been or will be implemented to ensure compliance with all relevant conditions and standards. I am confident that the proposed use will be in harmony with the surrounding area, will not adversely impact the community, and will comply with all necessary regulations and requirements set forth by Woodbury County.

Staff Analysis:

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance includes the General Commercial (GC) Zoning District as a location authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

CRITERIA 2:

The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

The proposed use and development of our portable concrete batch plant aligns with the general purpose and intent of the ordinance and supports the goals, objectives, and standards of Woodbury County by providing a safe and effective location to provide concrete to the IDOT Hwy 20 project with a very low impact to the community.

Staff Analysis:

This temporary project offer support to the completion of the IDOT Hwy 20 project.

CRITERIA 3:

The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

The proposed use and development of portable concrete batch plant for IDOT Hwy 20 project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting public health, safety, and general welfare. Through careful planning, adherence to regulations, and implementation of mitigation measures, the proposed use and development of the portable concrete batch plant will be a safe, clean, and efficient operation with the reconstruction of Hwy 20.

Staff Analysis:

As with the complete Hwy 20 project, this proposal would have a temporary impact on the neighborhood during the concrete phase of the project. The closest house exceeds 300 FT from the parcel's property line. There does not appear to be any significant impact to parking, or other factors impacting public health. This will have a temporary impact on traffic patterns on Charles Avenue, 162nd Street, and Highway 20.

CRITERIA 4:

The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

By setting the batch plant adjacent to the end of the project and on Hwy 20 we will be able utilize state highways to deliver the raw ingredients to the plant without impact local systems roads. Having the plant positioned at the end of the traffic control for the project allows us to keep construction traffic from mingling with the public and greatly increase safety along the project.

Staff Analysis:

The site plan appears to be located, designed, and presented in a manner that will have minimal impact to the area during the time of use. Staff will expect for the property owners to apply for a floodplain development permit for this temporary activity in the floodplain.

CRITERIA 5:

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Croell is not planning to use any public facilities or services at this time.

Staff Analysis:

Not applicable to the proposed use.

CRITERIA 6:

The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

The proposed use or development of the Hwy 20 portable concrete batch plant will not result in unnecessary adverse effects upon any significant natural, scenic, or historic features of the subject property or adjacent properties.

Natural Features: The project will be designed and implemented in a manner that minimizes impacts on significant natural features of the subject property and surrounding areas. Environmental considerations, such as erosion control measures, stormwater management, and preservation of existing vegetation, will be integrated into the project design to protect and enhance the natural environment.

Scenic Features: The visual impact of the proposed use or development will be carefully considered and mitigated to ensure compatibility with the scenic qualities of the subject property and the surrounding area. Measures such as appropriate screening, landscaping, and architectural design will be employed to maintain or enhance the visual character of the area.

Historic Features: If there are any known historic features or structures on the subject property or adjacent properties, steps will be taken to ensure their preservation and protection. Any necessary consultations with historic preservation organizations or agencies will be conducted to identify and address any potential impacts, including modifications or adaptations of the project design to accommodate the preservation of historic features.

Through comprehensive planning, design, and adherence to relevant regulations, the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic, or historic features of the subject property or adjacent properties. The project will be undertaken with a commitment to preserving and respecting the unique natural and cultural heritage of the area.

Staff Analysis:

The applicant must perform that temporary work in a manner that does not adversely impact the property or the adjacent properties.

OTHER CONSIDERATION 1:

The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

As noted, this application is being requested to support the Hwy 20 project. This can be construed as a service in the public interest to complete improvements to local transportation.

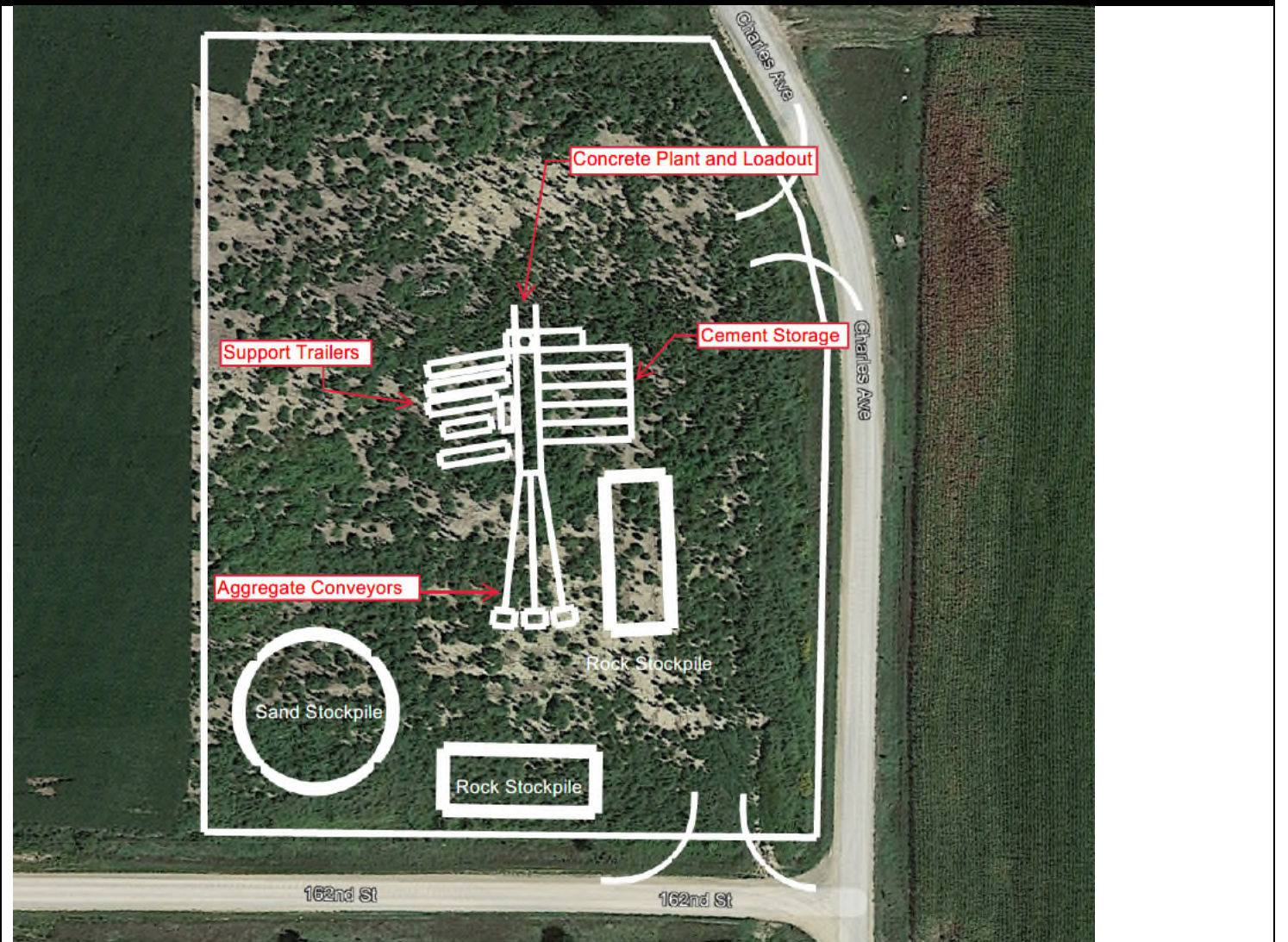
OTHER CONSIDERATION 2:

All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

Steps should be taken to return the property to an acceptable state.

SITE PLAN





CONDITIONAL USE PERMIT APPLICATION

Owner Information:	Applicant Information:
Owner <u>Midwest Auto Properties, LLC</u>	Applicant <u>Jason Meinhart, Croell, Inc.</u>
Address <u>1901 Hwy 20</u> <u>Lawton, IA 51030</u>	Address <u>2010 Kenwood Ave</u> <u>New Hampton, IA 50659</u>
Phone <u>712-944-5250</u>	Phone <u>641-394-6789/319-530-5760</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

Setup a Portable Concrete Plant for Hwy 20 paving on IDOT project NHSX-020-1(17A)--314-97

Property Information:

Property Address or Address Range 1605 Charles Ave Lawton, IA 51030

Quarter/Quarter NENE Sec 1 Twtnshp/Range 88-47

Parcel ID # 884701200009 GIS # _____ Total Acres 5.00

Current Use Vacant Proposed Use Portable Concrete Plant

Current Zoning GC-General Commercial

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(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 Phone only 6/29/23 Staff present D. R.

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 Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit 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.

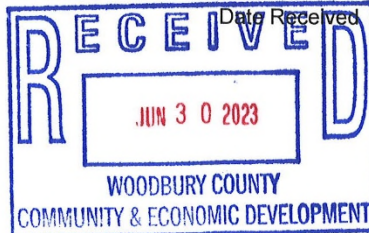
Owner [Signature] Applicant Jason Meinhart

Date 6/30/23 Date 6-30-23

Fee: **\$300*** Case #: 6896

Check #: 35875

Receipt #: _____



- (c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Tab at the end of each line to continue)

The proposed use and development of portable concrete batch plant for IDOT Hwy 20 project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting public health, safety, and general welfare. Through careful planning, adherence to regulations, and implementation of mitigation measures, the proposed use and development of the portable concrete batch plant will be a safe, clean, and efficient operation with the reconstruction of Hwy 20.

- (d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Tab at the end of each line to continue)

By setting the batch plant adjacent to the end of the project and on Hwy 20 we will be able utilize state highways to deliver the raw ingredients to the plant without impact local systems roads. Having the plant positioned at the end of the traffic control for the project allows us to keep construction traffic from mingling with the public and greatly increase safety along the project.

- (e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

Croell is not planning to use any public facilities or services at this time

- (f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (Tab at the end of each line to continue)

The proposed use or development of the Hwy 20 portable concrete batch plant will not result in unnecessary adverse effects upon any significant natural, scenic, or historic features of the subject property or adjacent properties.

Natural Features: The project will be designed and implemented in a manner that minimizes impacts on significant natural features of the subject property and surrounding areas. Environmental considerations, such as erosion control measures, stormwater management, and preservation of existing vegetation, will be integrated into the project design to protect and enhance the natural environment.

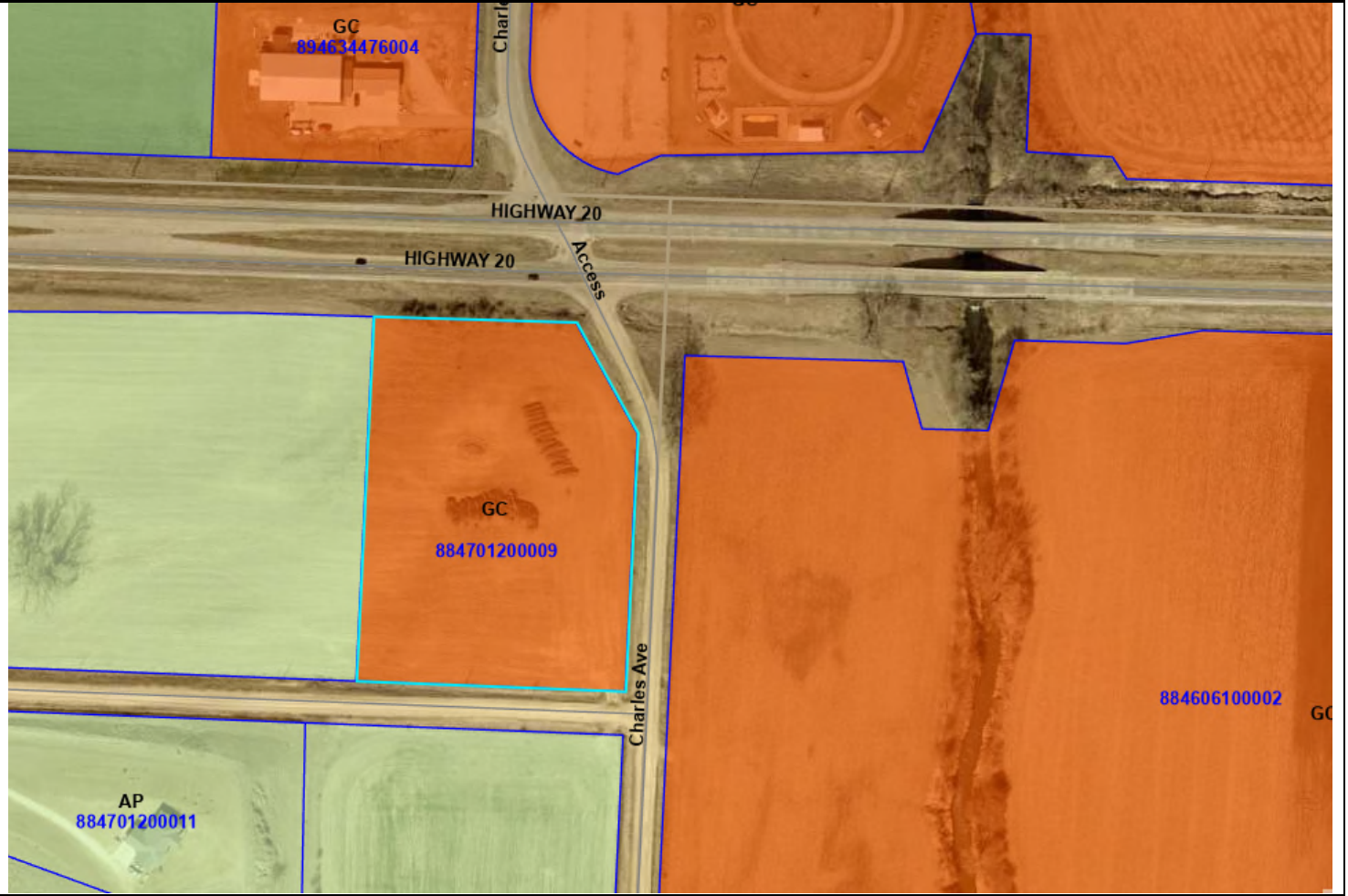
Scenic Features: The visual impact of the proposed use or development will be carefully considered and mitigated to ensure compatibility with the scenic qualities of the subject property and the surrounding area. Measures such as appropriate screening, landscaping, and architectural design will be employed to maintain or enhance the visual character of the area.

Historic Features: If there are any known historic features or structures on the subject property or adjacent properties, steps will be taken to ensure their preservation and protection. Any necessary consultations with historic preservation organizations or agencies will be conducted to identify and address any potential impacts, including modifications or adaptations of the project design to accommodate the preservation of historic features.

Through comprehensive planning, design, and adherence to relevant regulations, the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic, or historic features of the subject property or adjacent properties. The project will be undertaken with a commitment to preserving and respecting the unique natural and cultural heritage of the area.



ZONING MAP



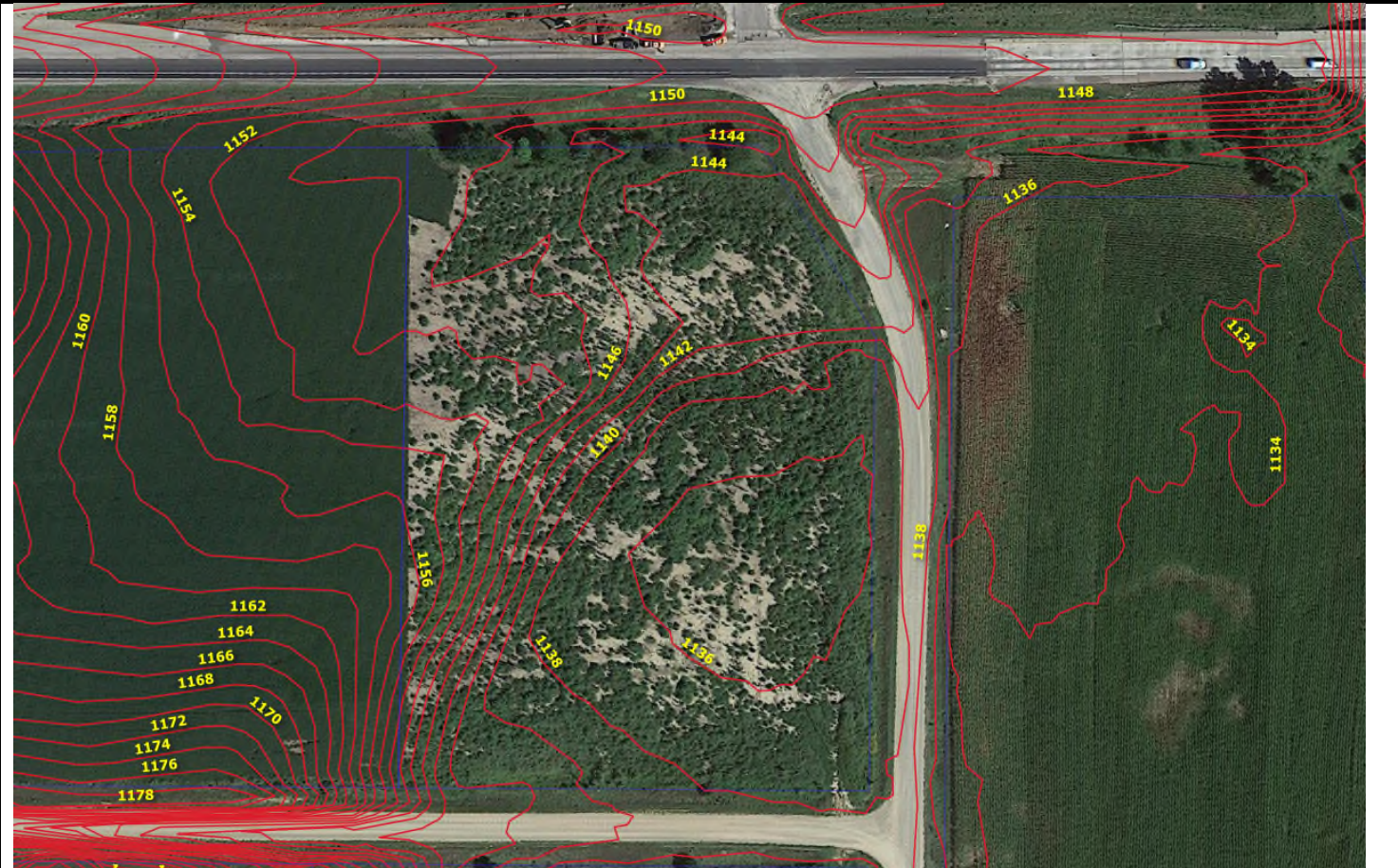
EFFECTIVE FLOODPLAIN MAP



DRAFT FLOODPLAIN MAP



ELEVATION MAP





WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT (PLANNING AND ZONING)

Address: 620 Douglas Street – Sixth Floor, Sioux City, IA 51101 | Phone: 712-279-6609 | Fax: 712-279-6530 | Web: woodburycountyia.gov
 Daniel J. Priestley, MPA – Zoning Coordinator: dpriestley@woodburycountyia.gov
 Dawn Norton – Senior Clerk: dnorton@woodburycountyia.gov

PRELIMINARY REPORT – JULY 20, 2023

CONDITIONAL USE PERMIT REQUEST

APPLICATION DETAILS

PROPERTY DETAILS

CONTENTS

Applicant(s)/Owner(s):	William Kyle Walker / Alana R. Walker	Parcel #:	864626400009	Summary, Location Aerial, Site Plan Excerpt, Recommendation, & Suggested Motion Legal Notification Neighbor(s) Notification Stakeholder(s) Comments Review Criteria / Applicant Responses Application Supporting Documentation
Application Type:	Conditional Use Permit	Township/Range:	T86N R46W (Sloan)	
Zoning District:	Agricultural Preservation (AP)	Section:	26	
Total Acres:	3.68	Quarter:	SE ¼ SE ¼	
Current Use:	Home Occupation – Roofing Business	Zoning District:	Agricultural Preservation (AP)	
Proposed Use:	Home Occupation – Roofing Business	Floodplain District:	Zone A	
Pre-application Meeting:	June 20, 2023	Address:	3281 Fayette Ave., Sloan, IA 51055	
Application Date:	June 23, 2023			
Legal Notice Date:	July 18, 2023			
Neighbor(s) Notice Date:	July 14, 2023			
Stakeholder(s) Notice Date:	July 6, 2023			
Board of Adjustment Public Hearing Date:	July 31, 2023			

SUMMARY

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 and Fayette Avenue. 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. At their meeting on July 24, 2023, the Woodbury County Zoning Commission unanimously approved (5-0) the motion to recommend approval of this conditional use permit request to the Board of Adjustment with the following conditions: 1) 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). 2) The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03).

LOCATION / AERIAL VIEW

SITE PLAN EXCERPT

Overview

Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

Parcel ID: 864626400009 Alternate ID: 700216 Owner Address: WALKER, WILLIAM KYLE & ALANA R.
 Sec/Twp/Rng: 18/ Class: R 3281 FAYETTE AVE
 Property Address: 3281 FAYETTE Acreage: 3.68 SLOAN, IA 51055
 SLOAN

District: 0046
 Brief Tax Description: SLOAN TOWNSHIP A TCT IN SE OF 26-86-46 DESCRIBED AS BEG AT SE COR OF SEC 26 THNC N 66 TO POB; THNC W 368.01 THNC N 476.99 THNC E 368.01 THNC S 478.95 TO POB
 (Note: Not to be used on legal documents)

ZONING COMMISSION AND STAFF RECOMMENDATION & SUGGESTED MOTION

Zoning Commission: At their meeting on July 24, 2023, the Woodbury County Zoning Commission unanimously approved (5-0) the motion to recommend approval of this conditional use permit request to the Board of Adjustment with the following conditions: 1) 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). 2) The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03).

Staff: This wind turbine tower was erected and placed prior to obtaining the required conditional use permit, building permit, and floodplain development permit. The property owner has retroactively filed applications with the Community and Economic Development office to work toward addressing these regulations as required by the Woodbury County Zoning Ordinance. In the subsequent pages of this report, the six (6) criteria and two (2) other considerations are analyzed for consideration. In particular, this request meets the requirements of being considered as a conditional use in the AP Zoning District. Additionally, the request is compatible with the Woodbury County Development Plan (2005). Also, if the turbine tower meets the 10 FT setback from the property line as well as the floodplain development requirements, this proposal would be adequate for approval based on conditions.

As pointed out in the criteria analysis, there are concerns about the setback, floodplain, and impact on the adjacent property. Therefore, 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).

Suggested Motion:

- Motion to approve this conditional use permit request 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).

PHOTO



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 1st 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. Siouxland 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 4th 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 1st 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.

LEGAL NOTIFICATION

Published in the Sioux City Journal Legals Section on July 18, 2023.

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

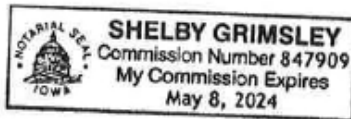
ORDER NUMBER 61413

Subscribed and sworn before me in Sioux City, in said County,
this 19th day of JULY, 2023.

Troy Simms

Shelby Grimsley Notary Public

In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 07/18/2023

TOTAL AD COST: 49.99
FILED ON: 7/19/2023

**NOTICE OF PUBLIC HEARINGS BEFORE
THE WOODBURY COUNTY BOARD OF
ADJUSTMENT**

The Woodbury County Board of Adjustment will have a special meeting and will hold public hearings on the following items hereafter described in detail on July 31, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items 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 these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 890 382 559# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Jason Mehost of Croell, Inc. (Applicant) and Midwest Auto Properties, LLC. (Ownership). The Conditional Use Permit application request is to setup a portable concrete plant for the Highway 20 paving project identified as IDOT Project NHSX-020-1(179)-3H-97. The property is located on Parcel #884701200009 in T88N R47W (Woodbury Township) in Section 11 on part of Government Lot 1. The property is located about 2.7 miles east of Sioux City and about 3 miles west of Lawton on the southside of Highway 20 abutting Charles Avenue to the west. The property is located in the General Commercial (GC) Zoning District and is located in Zone A of the Special Flood Hazard Area (floodplain). Owner(s)/Applicant(s): Midwest Auto Properties, LLC, 1901 Hwy 20, Lawton, IA 51030; Jason Mehost, Croell, Inc., 2010 Kenwood Ave., New Hampton, IA 50653.

Item Two (2)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by William Kyle Walker (Applicant/owner) and Aiana R. Walker (Owner). The Conditional Use Permit application request is for the installation and use of a wind turbine which is classified in the Woodbury County Zoning Ordinance under electric wind generator (private use). The wind turbine along with its support tower was previously installed on this property and this application for a conditional use permit has been retroactively filed with Woodbury County. The property is located on Parcel #884826400009 in T88N R48W (Sloan Township) in Section 26 in the SE ¼ of the SE ¼. The property is located about 2.7 miles west of Horrick and about 3 miles east of Sloan on the northside of Highway 141 abutting Fayette Avenue to the west. The property is located in the Agricultural Preservation (AP) Zoning District and portions of the property are located in Zone A of the Special Flood Hazard Area (floodplain). Applicant(s)/owner(s): William Kyle Walker and Aiana R. Walker, 3281 Fayette Ave., Sloan, IA 51055.

PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 500 FT via Certified Abstractor's Listing:	5	
Notification Letter Date:	July 14, 2023	
Public Meeting for Review:	Woodbury County Zoning Commission, July 24, 2023	
Public Hearing Board Consideration:	Woodbury County Board of Adjustment, July 31, 2023	
Public Hearing Date:	July 31, 2023	
Phone Inquiries:	1	
Written Comments:	0	
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	
William Kyle Walker and Alana R. Walker	3281 Fayette Ave. Sloan IA 51055	No comments.
J. Goodvin Farms, LLC.	10496 Cedar Ave. Whiting IA 51063	No comments.
DGF Farms - Woodbury, LLC, RDF Farms - Woodbury, LLC, RLF Farms - Woodbury LLC.	3177 Adams St. Cumming IA 50061	No comments.
Carole L. Kirby	385 8th St. S. David City NE 68632	No comments.
Robert Todd Heinle	7986 W. Waltann Lane Peoria AZ 85382	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.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	SEE EMAILS BELOW
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC "Gas". Developer should be made aware that if natural gas service is wanted the extension of MEC natural gas distribution facilities would be at the cost of the developer. – Tyler Ahlquist, 7/7/23.
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 issues with this request. – Jeff Zettel, 7/11/23.
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:	This request does not affect county right of way, so I have no comments on behalf of my department on the proposed condition use permit request. – Mark J. Nahra, PE, - 7/10/23.
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this request. – Neil Stockfleth, 7/6/23.

Daniel Priestley

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Wednesday, July 12, 2023 4:53 PM
To: Daniel Priestley
Subject: FW: bk FW: County conditional use permit
Attachments: 5404 Walker - Level 1 Fully Executed Iowa.pdf; CERT OF COMPLETION.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. If you are asked for your username and password, please call WCICC and **DO NOT ENTER** any data.

Dan,

Just wanted to update you on the Walker wind turbine. As you can see below, we still do not have the correct documentation and the Electrical Inspector is not satisfied.

Was the conditional use permit passed?

Casey Meinen
Lead, Electric Distribution Engineering
Casey.meinen@midamerican.com

Phone (712-233-4831)


From: Private Generation (MidAmerican) <PrivateGeneration@midamerican.com>
Sent: Wednesday, July 12, 2023 4:26 PM
To: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Cc: Leon, Michael B (MidAmerican) <Michael.Leon@midamerican.com>
Subject: RE: bk FW: County conditional use permit

Hello Casey,

We have executed the interconnection application and provided them with permission to build. However, they have not provided the required documents needed to proceed to a witness test. On page four of the interconnection application, under "Terms and Conditions" it states the following:

generation facility has been signed by the utility.

2. **Final Interconnection and Operation:** The interconnection customer may operate the distributed generation facility and interconnect with the utility's electric distribution system after all of the following have occurred:
 - a. **Electrical Inspection:** Upon completing construction, the interconnection customer shall cause the distributed generation facility to be inspected by the local electrical inspection authority, who shall establish that the distributed generation facility meets local code requirements.
 - b. **Certificate of Completion:** The interconnection customer shall provide the utility with a copy of the Certificate of Completion with all relevant and necessary information fully completed by the interconnection customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.
 - c. The utility has completed its witness test as per the following:
 - i. The interconnection customer shall provide the utility at least 15 business days' notice of the planned commissioning test for the distributed generation facility. Within 20 business days after the commissioning test, the utility may, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and operating as designed and in accordance with the requirements of IEEE 1547.
 - ii. If the utility does not perform the witness test within the 20 business days after the commissioning test or such other time as is mutually agreed to by the Parties, the witness test is deemed waived, unless the utility cannot do so for good cause. In these cases, upon utility request, the interconnection customer shall agree to another date for the test within ten business days after the original scheduled date.
 - d. **Executed Certificate of Completion:** The utility has signed, executed and transmitted to the interconnection customer the Certificate of Completion provided by the interconnection customer in 2b.

Additionally, on the certificate of completion it states:

The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the distributed generation facility until receipt of the final acceptance and approval by the utility as provided below.

The customer is aware they still need to provide correct inverter settings and a copy of the passed inspection. The inspector has reached out to us directly and informed us there are multiple issues at the property that need corrected before they will provide the passed inspection (the customer is also aware of this as they attempted to state they were AG Exempt). They did inform us in the beginning of the process that the windmill was built prior to the install. I sent a reminder to them today on what is needed to proceed. I have also attached a copy of the executed interconnection application and the certificate of completion that the customer has signed. I hope this helps.

Thanks,

Brandi
MidAmerican Energy Company
Private Generation
PO Box 4350
Davenport IA 52808-9986
877-815-0010



Please note that email transmission is not guaranteed to be secure or error-free, as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. MidAmerican Energy cannot accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. If verification is required, please request a hard-copy version be sent.

From: Leon, Michael B (MidAmerican) <Michael.Leon@midamerican.com>
Sent: Friday, July 7, 2023 7:58 AM
To: Private Generation (MidAmerican) <PrivateGeneration@midamerican.com>
Subject: bk FW: County conditional use permit

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Thursday, July 6, 2023 3:17 PM
To: Leon, Michael B (MidAmerican) <Michael.Leon@midamerican.com>
Subject: County conditional use permit

Michael,

Can you help me with some verbiage for a request for comment for a conditional use permit for a wind turbine? This Gentleman built this wind turbine without getting approval from MEC for a distributed generation connection (at least as far as I am aware). I would like to include some thing in my response that makes sense in your world.

Something along the lines of.

The customer should be aware that MEC has not approved an interconnection agreement and will not install a net meter until engineered drawings are approved, and a witness test is completed.

Your thoughts?

Casey Meinen
Lead, Electric Distribution Engineering
Casey.meinen@midamerican.com

**LEVEL 1
INTERCONNECTION REQUEST APPLICATION FORM AND
DISTRIBUTED GENERATION INTERCONNECTION AGREEMENT
(For Lab-Certified Inverter-Based Distributed Generation Facilities 20 kVA or less)**

INSTRUCTIONS:

1. *Indicates required information.
2. Mail completed form with \$125 application fee to the appropriate utility company. If the utility performs a witness test as specified under 199 IAC 45.5(10), the utility may charge the interconnected customer an additional cost-based fee of no more than \$125.

INTERCONNECTION CUSTOMER CONTACT INFORMATION					
*Owner / Company (Legal Entity Name) Walker Bros. Roofing William Kyle Walker			*Contact Name Kyle Walker		
*Mailing Address 3281 Fayette Ave			*City Sloan	*State IA	*Zip 51055
*Phone No. (Daytime) 712-203-0111	Phone No. (Evening)	Facsimile No.	*Email Address kyle@walkerbrothersroofing.com		
ALTERNATE CONTACT INFORMATION (if different from Customer Contact Information)					
*Owner/Company (Legal Entity Name) American Windpower			*Contact Name Kerry		
*Mailing Address PO Box 1760			*City Great Bend	*State KS	*Zip 67530
*Phone No. (Daytime) 833-464-9463	Phone No. (Evening)	Facsimile No.	*Email Address info@american-windpower.com		
EQUIPMENT CONTRACTOR					
*Name American Windpower			*Contact Name		
*Mailing Address			*City	*State	*Zip
*Phone No. (Daytime) 833-464-9463	Phone No. (Evening)	Facsimile No.	*Email Address		
ELECTRICAL CONTRACTOR (if different from Equipment Contractor)					
Name			Contact Name		
Mailing Address			City	State	Zip
Phone No. (Daytime)	Phone No. (Evening)	Facsimile No.	Email Address		
License No. (if applicable)			Active License? (if applicable) <input type="radio"/> YES <input type="radio"/> NO		
ELECTRIC SERVICE INFORMATION FOR CUSTOMER FACILITY WHERE GENERATOR WILL BE INTERCONNECTED					
*Existing Capacity (Service Entrance) 200 (Amps)	*Proposed Capacity (Service Entrance) (Amps)	Voltage 240 (Volts)	*Type of Service <input checked="" type="radio"/> Single Phase <input type="radio"/> Three Phase <input checked="" type="radio"/> Breaker - Existing Panel <input type="radio"/> Line Side Tap with Fuse <input type="radio"/> Inside Sealed Enclosure		
If 3 Phase Transformer, indicate type: Primary Winding <input type="radio"/> Wye <input type="radio"/> Delta Secondary Winding <input type="radio"/> Wye <input type="radio"/> Delta				Transformer Size	Impedance
*Does this application require a group interconnection study?			<input type="radio"/> YES <input checked="" type="radio"/> NO		
*Is this project an expansion of a current distributed generation facility?			<input type="radio"/> YES <input checked="" type="radio"/> NO		
*INTENT OF GENERATION (check one)					
<input checked="" type="radio"/>	Net Metering (Unit will operate in parallel and will export power to utility pursuant to Iowa Utilities Board rule 199 IAC 15.11(5) and the utility's net metering, net billing, or inflow/outflow tariff).				
<input type="radio"/>	Offset Load (Unit will operate in parallel and may export without net metering or without selling excess power and energy pursuant to Iowa Utilities Board rule 199 IAC 15.5 and the utility's tariff).				
<input type="radio"/>	Self-Use and Sales to the Utility (Unit will operate in parallel and may export and sell excess power to utility pursuant to Iowa Utilities Board rule 199 IAC 15.5 and the utility's tariff).				
<input type="radio"/>	Back-Up Generation (Units that temporarily operate in parallel with the electric distribution system for more than 100 milliseconds. Units that temporarily operate in parallel with the electric distribution system for 100 milliseconds or less are outside the scope of Chapter 45 Interconnection. Contact the utility for applicable interconnection procedures).				
<input type="radio"/>	Other (Please explain.)				

APPLICANT OWNERSHIP INTEREST (check one)

Owner
 Lease
 3rd Party PPA
 Tenant
 Other (Please explain)

***DISTRIBUTED GENERATION FACILITY INFORMATION**

*Facility Address or Latitude and Longitude 3281 Fayette Ave	*City Sloan	*State IA	*Zip 51055
*Utility Serving Facility Site Mid-American	Account No. of Facility Site (existing utility customers) 54090-12085	*Meter No. (existing utility customers) S98781499	
*Energy Source/Converter <input checked="" type="checkbox"/> Wind Turbine <input type="checkbox"/> Solar Photovoltaic Cell <input type="checkbox"/> Biomass <input type="checkbox"/> Hydro <input type="checkbox"/> Diesel Engine <input type="checkbox"/> Natural Gas <input type="checkbox"/> Fuel Oil <input type="checkbox"/> Storage - Specify type <input type="checkbox"/> Other			
*Commissioning Test Date: (If the Commissioning Test Date changes/unknown, the interconnection customer must inform the utility as soon as aware of the changed/known date, but no later than 15 business days.) 2/20/2023			

***INFORMATION FOR INVERTER-BASED FACILITIES**

Inverter Information (Attach manufacturer's technical specifications and label information from a nationally recognized testing laboratory, e.g. UL.)

Manufacturer Bergey Windpower Model Powersync II	Quantity	Inverter UL1741 Listed <input checked="" type="radio"/> Yes <input type="radio"/> No	Continuous Rated Output 15 kW _{AC} 240 Volts _{AC}	Number of Phase <input checked="" type="radio"/> 1 <input type="radio"/> 3	Power Factor 99 %	Efficiency 99 %
Manufacturer Model	Quantity	Inverter UL1741 Listed <input type="radio"/> Yes <input type="radio"/> No	Continuous Rated Output kW _{AC} Volts _{AC}	Number of Phase <input type="radio"/> 1 <input type="radio"/> 3	Power Factor %	Efficiency %

***DC Source/Prime Mover**

Solar Module #1 Manufacturer Model	Quantity	Power Rating Watts _{DC}
Solar Module #2 Manufacturer Model	Quantity	Power Rating Watts _{DC}

***Solar Module Orientation**

Type <input type="checkbox"/> Fixed <input type="checkbox"/> Single Axis <input type="checkbox"/> Dual Axis	Tilt (degrees)	Azimuth (180° = south)	Solar Module #1 Quantity	Solar Module #2 Quantity
Type <input type="checkbox"/> Fixed <input type="checkbox"/> Single Axis <input type="checkbox"/> Dual Axis	Tilt (degrees)	Azimuth (180° = south)	Solar Module #1 Quantity	Solar Module #2 Quantity
Type <input type="checkbox"/> Fixed <input type="checkbox"/> Single Axis <input type="checkbox"/> Dual Axis	Tilt (degrees)	Azimuth (180° = south)	Solar Module #1 Quantity	Solar Module #2 Quantity
Type <input type="checkbox"/> Fixed <input type="checkbox"/> Single Axis <input type="checkbox"/> Dual Axis	Tilt (degrees)	Azimuth (180° = south)	Solar Module #1 Quantity	Solar Module #2 Quantity

***Inverter/Solar Module Combinations (Use a separate row for each unique combination of Inverter and Solar Modules)**

Inverter Information (Attach manufacturer's technical specifications and label information from a nationally recognized testing laboratory, e.g. UL.)

Inverter Type: Quantity: <input type="radio"/> String <input type="radio"/> Microinverter	Solar Module #1 Quantity	Solar Module #2 Quantity	kW _{DC} Connected to each inverter: kW _{DC}	Continuous Rated Output of each inverter: kW _{AC}	Inverter is DC Limited (kW _{DC} < kW _{AC}) <input type="radio"/> Yes <input type="radio"/> No
Inverter Type: Quantity: <input type="radio"/> String <input type="radio"/> Microinverter	Solar Module #1 Quantity	Solar Module #2 Quantity	kW _{DC} Connected to each inverter: kW _{DC}	Continuous Rated Output of each inverter: kW _{AC}	Inverter is DC Limited (kW _{DC} < kW _{AC}) <input type="radio"/> Yes <input type="radio"/> No
Inverter Type: Quantity: <input type="radio"/> String <input type="radio"/> Microinverter	Solar Module #1 Quantity	Solar Module #2 Quantity	kW _{DC} Connected to each inverter: kW _{DC}	Continuous Rated Output of each inverter: kW _{AC}	Inverter is DC Limited (kW _{DC} < kW _{AC}) <input type="radio"/> Yes <input type="radio"/> No
Inverter Type: Quantity: <input type="radio"/> String <input type="radio"/> Microinverter	Solar Module #1 Quantity	Solar Module #2 Quantity	kW _{DC} Connected to each inverter: kW _{DC}	Continuous Rated Output of each inverter: kW _{AC}	Inverter is DC Limited (kW _{DC} < kW _{AC}) <input type="radio"/> Yes <input type="radio"/> No

***Aggregate kW_{AC} Power Output of all Inverters Constituting Distributed Generation Facility**

Aggregate kW _{AC} power output of first inverter/solar module combination listed above (Quantity of inverters multiplied by either the Continuous Rated Output of each inverter (not DC limited) OR kW _{DC} Connected to each inverter (DC Limited))	15 kW _{AC}
Aggregate kW _{AC} power output of second inverter/solar module combination listed above (Quantity of inverters multiplied by either the Continuous Rated Output of each inverter (not DC limited) OR kW _{DC} Connected to each inverter (DC Limited))	kW _{AC}
Aggregate kW _{AC} power output of third inverter/solar module combination listed above (Quantity of inverters multiplied by either the Continuous Rated Output of each inverter (not DC limited) OR kW _{DC} Connected to each inverter (DC Limited))	kW _{AC}
Aggregate kW _{AC} power output of fourth inverter/solar module combination listed above (Quantity of inverters multiplied by either the Continuous Rated Output of each inverter (not DC limited) OR kW _{DC} Connected to each inverter (DC Limited))	kW _{AC}
Aggregate kW _{AC} Power Output of ALL Inverters Constituting Distributed Generation Facility	15 kW _{AC}

***INSURANCE DISCLOSURE**

The attached terms and conditions contain provisions related to liability and indemnification and should be carefully considered by the interconnection customer. The interconnection customer shall carry general liability insurance coverage, such as, but not limited to, homeowner's insurance. The interconnection customer shall provide the utility with proof that it has a current homeowner's insurance policy or other general liability policy.

Proof of insurance must include:

- 1. Facility Address
- 2. Interconnection Customer as insured
- 3. General Liability Coverage

Proof of Homeowner's or General Liability Insurance attached YES

***OTHER FACILITY INFORMATION**

One Line Diagram - A basic drawing of an electric circuit in which one or more conductors are represented by a single line and each electrical device and major component of the installation, from the generator to the point of interconnection, are noted by symbols.


One Line Diagram attached YES

Plot Plan - A map or sketch showing the distributed generation facility's location in relation to streets, alleys, or other geographic markers (i.e. section pin, corner pin, buildings, permanent structures, etc.). The map or sketch should also denote the location of the electric meter and disconnect used to isolate the distributed generation facility.

Plot Plan attached YES

***CUSTOMER SIGNATURE**

I hereby certify that: (1) I have read and understand the terms and conditions, which are attached hereto by reference; (2) I hereby agree to comply with the attached terms and conditions; and (3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Applicant Signature (<i>signature must reflect Contact Name under section Interconnection Applicant Contact Information</i>)	Date
	1/24/2023

Printed Name	Title
Kyle Walker	Owner

This Application Form and Interconnection Agreement is comprised of: (1) the Level 1 Standard Application Form and Interconnection Agreement; (2) the Attachment of Terms and Conditions for Interconnection; and (3) the Certificate of Completion, which shall be completed and returned to the utility when installation is complete and final electric inspector approval has been obtained.

NOTE: If the Certificate of Completion is not completed and returned to the utility within 12 months following the utility's dated conditional agreement to interconnect below, this Application Form and Interconnection Agreement will automatically terminate and be of no further force and effect.

FOR UTILITY USE ONLY

Date Received:	2/9/23	Project ID:	5404
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CONDITIONAL AGREEMENT TO INTERCONNECT DISTRIBUTED GENERATION FACILITY

Receipt of application fee is acknowledged and, by its signature below, the utility has determined the interconnection request is complete. Interconnection of the distributed generation facility is conditionally approved contingent upon the attached terms and conditions of this Agreement, the return of the attached Certificate of Completion, duly executed verification of electrical inspection and successful witness test.

Utility Representative's Signature	Date
	5/05/2023

Printed Name	Title
John A. Ulrich	Sr. Engineering Specialist

Submit completed form to:

MidAmerican Energy Company
 Attn: Private Generation
 P.O. Box 4350
 Davenport, Iowa 52808-9986

PrivateGeneration@midamerican.com
 Fax: 563-336-3568

**ATTACHMENT
LEVEL 1 DISTRIBUTED GENERATION INTERCONNECTION AGREEMENT**

Terms and Conditions for Interconnection

1. **Construction of the Distributed Generation Facility:** The interconnection customer may proceed to construct (including operational testing not to exceed 2 hours) the distributed generation facility, once the conditional Agreement to interconnect a distributed generation facility has been signed by the utility.
2. **Final Interconnection and Operation:** The interconnection customer may operate the distributed generation facility and interconnect with the utility's electric distribution system after all of the following have occurred:
 - a. **Electrical Inspection:** Upon completing construction, the interconnection customer shall cause the distributed generation facility to be inspected by the local electrical inspection authority, who shall establish that the distributed generation facility meets local code requirements.
 - b. **Certificate of Completion:** The interconnection customer shall provide the utility with a copy of the Certificate of Completion with all relevant and necessary information fully completed by the interconnection customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.
 - c. The utility has completed its witness test as per the following:
 - i. The interconnection customer shall provide the utility at least 15 business days' notice of the planned commissioning test for the distributed generation facility. Within 20 business days after the commissioning test, the utility may, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and operating as designed in accordance with the requirements of IEEE 1547.
 - ii. If the utility does not perform the witness test within the 20 business days after the commissioning test or such other time as is mutually agreed to by the Parties, the witness test is deemed waived, unless the utility cannot do so for good cause. In these cases, upon utility request, the interconnection customer shall agree to another date for the test within ten business days after the original scheduled date.
 - d. **Executed Certificate of Completion:** The utility has signed, executed and transmitted to the interconnection customer the Certificate of Completion provided by the interconnection customer in 2b.
3. **IEEE 1547:** The distributed generation facility shall be installed, operated and tested in accordance with the requirements of the Institute of Electrical and Electronics Engineers Inc. IEEE, 3 Park Avenue, New York, NY 10016-5997, Standard 1547 (2018) "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power System Interfaces," as well as any applicable federal, state, or local laws, regulations, codes, ordinances, orders, or similar directives of any government or other authority having jurisdiction.
4. **Access:** The utility must have access to the isolation device or disconnect switch, meter and metering equipment of the distributed generation facility at all times. When practical, the utility shall provide notice to the customer prior to using its right of access.
5. **Metering:** Any required metering shall be installed pursuant to the utility's metering rules filed with the Iowa Utilities Board under subrule 199 IAC 20.2(5).
6. **Disconnection:** The utility may disconnect the distributed generation facility upon any of the following conditions, but must reconnect the distributed generation facility once the condition is cured:
 - a. For scheduled outages, provided that the distributed generation facility is treated in the same manner as utility's load customers;
 - b. For unscheduled outages or emergency conditions;
 - c. If the distributed generation facility does not operate in a manner consistent with the Agreement of the applicable requirements of 199 IAC chapter 15 or 45;
 - d. Improper installation or failure to pass the witness test;
 - e. If the distributed generation facility is creating a safety, reliability, or power quality problem;
 - f. The interconnection equipment used by the distributed generation facility is delisted by the National Recognized Testing Laboratory that provided the listing at the time the interconnection was approved;
 - g. Unauthorized modifications of the interconnection facilities or the distributed generation facility; or
 - h. Unauthorized connection to the utility's electric system.
7. **Indemnification:** The interconnection customer shall indemnify and defend the utility and the utility's directors, officers, employees, and agents from all claims, damages and expenses, including reasonable attorney's fees, to the extent resulting from the interconnection customer's negligent installation, operation, modification, maintenance or removal of its distributed generation facility or interconnection facilities, or the interconnection customer's willful misconduct or breach of this Agreement. The utility shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all claims, damages and expenses, including reasonable attorney's fees, to the extent resulting from the utility's negligent installation, operation, modification, maintenance or removal of its interconnection facilities or electric distribution system, or the utility's willful misconduct or breach of this Agreement.
8. **Insurance:** The interconnection customer shall provide the utility with proof that it has a current homeowner's insurance policy or other general liability policy.
9. **Limitation of Liability:** Each Party's liability to the other Party for any loss, cost, claim, injury, liability or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this Agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either Party be liable to the other Party for any indirect, incidental,

special, consequential, or punitive damages of any kind whatsoever, provided that in no such event shall death, bodily injury or third party claims be construed as an indirect or consequential damages.


10. **Termination:** The Agreement will remain in effect until terminated and may be terminated under the following conditions:
 - a. By interconnection customers - The interconnection customer may terminate this interconnection Agreement by providing written notice to the utility. If the interconnection customer ceases operation of the distributed generation facility, the interconnection customer must notify the utility.
 - b. By the utility - The utility may terminate this Agreement without liability to the interconnection customer if the interconnection customer fails to remedy a violation of the terms of this Agreement within 30 calendar days after notice, or such other date as may be mutually agreed to in writing prior to the expiration of the 30 calendar days remedy period. The termination date may be no less than 30 calendar days after the interconnection customer receives notice of its violation from the utility.
11. **Modification of Distributed Generation Facility:** The interconnection customer must receive written authorization from the utility before making any changes to the distributed generation facility that could affect the utility's distribution system. If the interconnection customer makes such modifications without the utility's prior written authorization, the utility shall have the right to disconnect the distributed generation facility.
12. **Permanent Disconnection:** In the event the Agreement is terminated, the utility shall have the right to disconnect its facilities or direct the interconnection customer to disconnect its distributed generation facility.
13. **Disputes:** Each Party agrees to attempt to resolve all disputes regarding the provisions of this Agreement that cannot be resolved between the two Parties pursuant to the dispute resolution provisions found in Iowa Utilities Board chapter 45 rules on Electric Interconnection of Distributed Generation Facilities (199 IAC 45.12).
14. **Governing Law, Regulatory Authority, and Rules:** The validity, interpretation, and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Iowa. Nothing in the Agreement is intended to affect any other agreement between the utility and the interconnection customers.
15. **Survival Rights:** This Agreement shall remain in effect after termination to the extent necessary to allow or require either Party to fulfill rights or obligations that arose under the Agreement.
16. **Assignment/Transfer of Ownership of the Distributed Generation Facility:** This Agreement shall terminate upon the transfer of ownership of the distributed generation facility to a new owner, unless the transferring owner assigns the Agreement to the new owner, the new owner agrees in writing to the terms of this Agreement, and the transferring owner so notifies the utility in writing prior to the transfer of ownership.
17. **Definitions:** Any term used herein and not defined shall have the same meaning as the defined terms used in Iowa Utilities Board chapter 45 rules on Electric Interconnection of the Distributed Generation Facilities (199 IAC 45.1).
18. **Notice:** The Parties may mutually agree to provide notices, demands, comments or request by electronic means such as E-mail. Scanned signatures are acceptable, so long as the documents are legible and not distorted. Absent agreement to electronic communication, or unless otherwise provided in the Agreement, any written notice, demand or request required or authorized in connection with this Agreement shall be deemed properly given with receipt is confirmed after the notices are delivered in person, delivered by recognized national courier service, or sent by first-class mail, postage prepaid, return receipt requested to the person specified below:
 - **If Notice is to Interconnection Customer:** Use the contact information provided in the interconnection customer's application. The interconnection customer is responsible for notifying the utility of any change in the contact party information, including change of ownership.
 - **If Notice is to Utility:** Use the contact information provided below. The utility is responsible for notifying the interconnection customer of any change in the contact party information.

Utility Contact Information			
Utility Company Name MidAmerican Energy Company		Attention Private Generation	
Mailing Address P.O. Box 4350		City Davenport	State IA
Phone No. 877-815-0010		Facsimile No. 563-336-3568	Email Address PrivateGeneration@midamerican.com
Zip 52808			

19. **Interruptions:** The utility is not responsible for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service.

CERTIFICATION OF COMPLETION

To be completed and returned to the utility when installation is complete and final electric inspector approval has been obtained. Use contact information provided on the utility's Web page for generator interconnection to obtain mailing address, facsimile number and E-mail address.

INTERCONNECTION CUSTOMER INFORMATION				
*Owner / Company (<i>Legal Entity Name</i>) Walker Bros. Roofing, LLC		*Contact Name Kyle Walker		
*Mailing Address 3281 Fayette Ave.		*City Sloan	*State IA	*Zip 51055
*Phone No. (<i>Daytime</i>) 702-203-0111	Phone No. (<i>Evening</i>)	Facsimile No.	*Email Address kyle@walkerbrothersroofing.com	
INSTALLER CONTACT INFORMATION (<i>if not owner installed</i>)				
*Owner / Company (<i>Legal Entity Name</i>) American Windpower USA LLC		*Contact Name Cody Buhrman		
*Mailing Address PO Box 1760		*City Great Bend	*State KS	*Zip 67530
*Phone No. (<i>Daytime</i>) 833-464-9463	Phone No. (<i>Evening</i>) 833-464-9463	Facsimile No.	*Email Address info@american-windpower.com	
*CUSTOMER SIGNATURE				
<p>The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the distributed generation facility until receipt of the final acceptance and approval by the utility as provided below.</p>				
Interconnection Customer Signature 				Date
Printed Name William Walker				5-10-23
Check if a copy of the signed electric inspection form is attached. <input type="checkbox"/> YES				
Check if copies of the as-built documents are attached (projects larger than 20 kVA only). <input type="checkbox"/> YES				
ACCEPTANCE AND FINAL APPROVAL FOR INTERCONNECTION (for utility use only)				
The interconnection agreement is approved and the distributed generation facility is approved for interconnected operation upon the signing and return of this Certificate of Completion by utility.				
Electric Distribution Company waives Witness Test? <input type="checkbox"/> YES <input type="checkbox"/> NO				
Utility representative's Initials:				
<p>If the utility performs a Witness Test as specified under Iowa Utilities Board rule 199 IAC 45.5(10), the utility may charge the interconnected customer a cost-based fee of no more than \$125.</p>				
Witness Test fee has been paid: <input type="checkbox"/> YES <input type="checkbox"/> NO				
If not waived, date of successful Witness Test:				
Utility representative's Initials:				
Utility Representative's Signature				Date
Printed Name			Title	

Daniel Priestley

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Friday, July 7, 2023 10:06 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Private Wind Turbine Conditional Use Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. If you are asked for your username and password, please call WCICC and **DO NOT ENTER** any data.

Dan,

I have confirmed that at this time Kyle has NOT submitted the correct required documentation for this project or submitted to the required electrical inspection. Even if the county approves the requested conditional use permit from the county MEC may not in the end, grant the interconnection agreement which would allow the customer to connect the turbine to our system.

Let me know if you have any further questions.

Casey Meinen
Lead, Electric Distribution Engineering

Casey.meinen@midamerican.com

Phone (712-233-4831)



From: Meinen, Casey (MidAmerican)
Sent: Thursday, July 6, 2023 3:24 PM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: RE: [INTERNET] Comments Requested Private Wind Turbine Conditional Use Permit Application

Dan,

I am seeking some verbiage from our distributed generation group on Kyles wind turbine. To my knowledge, MEC has not received or approved any drawings, and we don't have, to my knowledge, an approved interconnection agreement.

I don't know that we have any reason to contest the proposed conditional use permit but I do think we want to inform Kyle that the conditional use permit doesn't meet or supersede our requirements for an interconnection agreement, which means he won't get a net meter installed. Basically, he won't receive credit for electricity he produces.

Casey Meinen
Lead, Electric Distribution Engineering

Casey.meinen@midamerican.com

Phone (712-233-4831)



From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Thursday, July 6, 2023 3:04 PM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: [INTERNET] Comments Requested Private Wind Turbine Conditional Use Permit Application

THIS MESSAGE IS FROM AN EXTERNAL SENDER.
 Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing.
 Hover over **LINKS** before clicking. [Learn to spot a phishing message](#)

TO: Woodbury County Stakeholders


FROM: Daniel J. Priestley, MPA, Zoning Coordinator, Woodbury County Community and Economic Development

DATE: July 6, 2023

SUBJECT: Comments and Concerns Requested – Conditional Use Permit Request - Parcel # 864626400009

As a stakeholder, you are requested to offer any comments or concerns you might have about the attached application that will go before the **Woodbury County Zoning Commission** for review and the **Board of Adjustment** for a public hearing. **Please send your comments to dpriestley@woodburycountyiowa.gov no later than July 21, 2023 before 10:00 AM CT.**

The Zoning Commission review is scheduled for Monday, July 24, 2023 at 6:00 PM. The Board of Adjustment public hearing is scheduled for Monday, July 31, 2023 at 6:00 PM at the Woodbury County Courthouse, 1st Floor Board of Supervisors' Room.

Application Details		Property Details		Contents	
Applicant(s)/Owner(s):	William Kyle Walker / Alana R. Walker	Parcel #:	864626400009		Summary, Location Aerial, Site Plan Excerpt
Application Type:	Conditional Use Permit – Wind Turbine Installation and Use	Township/Range:	T86N R46W (Sloan)		Review Criteria / Applicant Responses
Zoning District:	Agricultural Preservation (AP)	Section:	26		Application
Total Acres:	3.68	Quarter:	SE ¼ SE ¼		Supporting Documentation
Current Use:	Home Occupation – Roofing Business	Zoning District:	Agricultural Preservation (AP)		
Proposed Use:	Home Occupation – Roofing Business	Floodplain District:	Zone A		
		Address:	3281 Fayette Ave., Sloan, IA 51055		
					

SUMMARY

William Kyle Walker 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 is located on Parcel #864626400009 as referenced above. The parcel is located in the Agricultural Preservation (AP) Zoning District and is located in Zone A – General Floodplain District of Special Flood Hazard Area (floodplain). 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.

LOCATION / AERIAL VIEW **SITE PLAN EXCERPT**



Please let me know if you have questions.

Respectfully,

Daniel J. Priestley, MPA - Zoning Coordinator
Woodbury County Community & Economic Development
 620 Douglas Street, 8th Floor
 Sioux City, IA 51101
 Office: (712) 279-6609
 Fax: (712) 279-6530
 Email: dpriestley@woodburycountyiowa.gov
 Web: www.WoodburyCountyCED.com

*****IMPORTANT NOTICE*****
 This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named therein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me immediately at: (712) 279-6609 and permanently delete the original and any copy of any e-mail and any printout thereof.

ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT’S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

Private generation for home, farm, business use.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

- 1. Maps
 - a. See attachment

CRITERIA 1:

The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Private generation for home, farm, business use to provide clean energy and selling energy back to power grid.

Staff Analysis:

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance includes the Agricultural Preservation (AP) Zoning District as a location authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

CRITERIA 2:

The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Reducing carbon emmitions and clean energy. State and federal gov’t has a renewal energy plan. Turbine was installed with 40% USDA grant through federal grant. Also 50% state and federal tax credit.

Staff Analysis:

The proposed use of the wind turbine on the 100 FT support tower is compatible with the Woodbury County’s General Development Plan (2005) Economic Development Goal Policy 2.5 – “fully explore alternative renewal energy sources, particularly wind generation facilities both as a contribution to the total energy needs of the county and as a new source of income for property owners” (p. 19).

CRITERIA 3:

The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Property is located in AP Zoning Farm fields in all 4 directions Tower is located unobstructed 340’ S + 1000’ W, + 1000 N, 195’ E Tower w/Turbine is 100’

Staff Analysis:

The location of this 100 FT private wind turbine is on the west side of the property near the property line. The property owner has indicated that the tower location meets the 10’ setback as required by accessory structures in the Agricultural Preservation (AP) Zoning District. The property owner indicated a 28’ setback from the side yard property line on the site plan. There does not appear to be an issue as for as traffic conditions, parking and other utility facilities. However, the placement of the turbine tower is near the property line and if the tower were to fall at the base, it could end up on the adjacent owner’s property. There does not appear to be any structures placed within that zone. However, it could adversely impact any items within that referenced area. (In comparison, without an ordinance enumeration, it is important to point out that a 45 FT accessory building structure could also be placed at least 10 FT away from a property line as per the Zoning District Dimensional Standards in Section 3.04 of the ordinance.) Additionally, there is possibility that the turbine could produce some level of noise or be subject to ice buildup. It is also important to note that portions of the property are located in the Special Flood Hazard Area (SFHA) – Zone A Floodplain. The property owner must comply with the floodplain regulations by ensuring all electrical assets associated with the turbine are elevated at least one foot above the Base Flood Elevation (BFE).

CRITERIA 4:

The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Property that structure is located on is in AP Zoning w/ farm fields in all directions with zero obstructions.

Staff Analysis:

As per the Woodbury County Zoning Ordinance, without a direct enumeration, a private wind turbine tower would be classified as an accessory structure with a setback of 10 FT from the property line. Even though a turbine tower can be placed 10 FT from the property line, it would be recommended to place the tower at a setback that is the length of the tower in an attempt to lessen the probability that the turbine tower and its associated assets fall onto the abutting owner's property in the event of a collapse. Additionally, even though a 10 FT setback is acceptable for approval, it is noteworthy to point out that if a 100 FT wind turbine tower is placed 10 FT from the property line, it may discourage the abutting property owner(s) from placing any structures or vehicles in an area near the turbine tower. Consequently, this could limit how the neighbor(s) chooses to utilize their property. However, it is important to point out that a 45 FT accessory structure could also be placed at least 10 FT away from a property line as per the Zoning District Dimensional Standards in Section 3.04 of the ordinance.

CRITERIA 5:

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Private property not for public use

Staff Analysis:

It is recommended that the property owner work out the details with MidAmerican Energy and the Iowa Department of Inspections Appeals and Licensing - Electrical. As quoted from Casey Meinen of MidAmerican Energy in the comments section, "I have confirmed that at this time Kyle has NOT submitted the correct required documentation for this project or submitted to the required electrical inspection. Even if the county approves the requested conditional use permit from the county. MEC may not in the end, grant the interconnection agreement which would allow the customer to connect the turbine to our system..." (July 7, 2023).

CRITERIA 6:

The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

The structure is situated on private property with mandatory set backs along property. Zero obstructions in all directions

Staff Analysis:

There is always a probability of an adverse event occurring on any property at any given time. As noted in the previous criterion, even though a 10 FT setback is acceptable for approval, it is noteworthy to point out that if a 100 FT wind turbine tower is placed 10 FT from the property line, it may discourage the abutting property owner(s) from placing any structures or vehicles in an area near the turbine tower. Consequently, this could limit how the neighbor(s) chooses to utilize their property. It will be imperative for both neighbors to understand any potential consequences that could occur in the event of a collapse. Since this structure was built before receiving conditional use permit approval, no site plan was submitted to Zoning Commission, Board of Adjustment, or staff. Therefore, it is reasonable to retroactively require that the property owner to hire a land surveyor to determine that the tower meets the 10 FT side yard setback and provide the certified document to the county as a condition of approval.

OTHER CONSIDERATION 1:

The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

This proposed conditional use is an optional feature that has been added to the property for the benefit of the property owner(s).

OTHER CONSIDERATION 2:

All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

The appearance of a private wind turbine tower speaks for itself. At a height of 100 FT, there likely is no level of building, site design, landscaping, and screening available to conceal its effects.

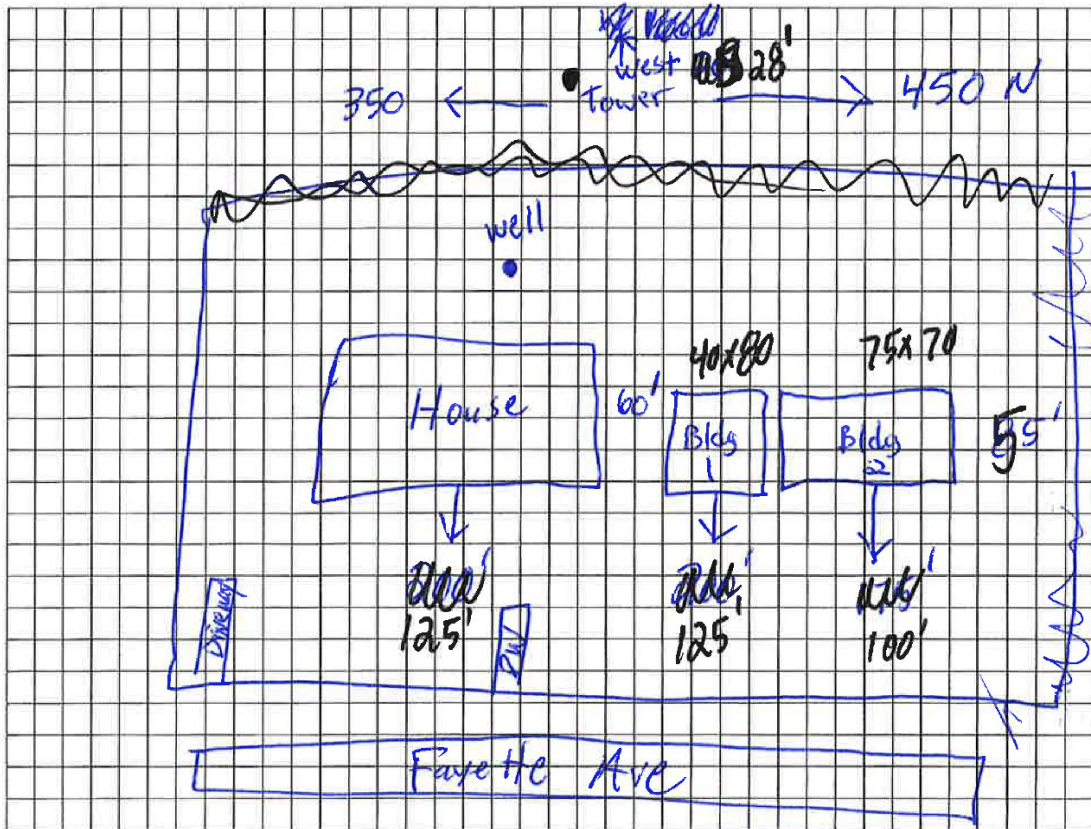
SITE PLAN INSTRUCTIONS

Please do not hesitate to call if you have any questions. The site plan can be drawn on the graph below. Refer to the setback reference sheet for your zoning district when planning your project. Following is the list of things we need to see on your site plan, the site plan does not have to be to scale but should include the following:

- Indicate which way is north.
- Show where the road is that goes past the parcel and name it.
- Show the County Right-Of-Way (the distance from the center of the road to the beginning of your lot line. Typically, it is around 33' and ends at your property's fence line.)
- Indicate any field entrances or drives leading into parcel.
- Show any buildings or structures currently on land. Label "Existing" and/or "New"
- Show length, width, and height of new building or addition.
- Indicate septic system and direction leech field flows.
- Show where well is located.
- Indicate with arrowed lines the distance on each side from house to lot line.
- Indicate with arrowed lines the distance on each side from accessory structure to lot line.
- Show there is a minimum of 10' between buildings.

When your Site Plan is complete, please return with completed building permit application and applicable fee. Be sure to sign where indicated before a Notary.

Woodbury County Community & Economic Development
 620 Douglas St., 6th Floor
 Sioux City, IA 51101





WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

Zoning Ordinance Section 2.02(9)

Page 1 of 6

CONDITIONAL USE PERMIT APPLICATION

Owner Information:	Applicant Information:
Owner <u>William Kyle Walker & Alana R. Walker</u>	Applicant <u>William Kyle Walker</u>
Address <u>3281 Fayette Ave</u>	Address <u>3281 Fayette Ave.</u>
<u>Sloan, IA 51055</u>	<u>Sloan, IA 51055</u>
Phone <u>712-203-0111</u>	Phone <u>712-203-0111</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

Wind Turbine Installation and Use

Property Information:

Property Address
or Address Range 3281 Fayette Ave., Sloan, IA 51055

Quarter/Quarter SE 1/4 of SE 1/4 Sec 26 Twnshp/Range T86N R46W (Sloan Township)

Parcel ID # 864626400009 GIS # 864626400009 Total Acres 3.68

Current Use Home Occupation - Roofing Business Proposed Use Home Occupation - Roofing Business

Current Zoning Agricultural Preservation (AP) Zoning District

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(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 June 20, 2023 Staff present Dan Priestley

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 Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit 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 *William Kyle Walker* Applicant _____

Date 6/23/2023 Date _____

Construction Commenced prior to permit. Fee: \$600.

Fee: \$300 Case #: 6888

Check #: 2983

Receipt #: _____



SITE PLAN INSTRUCTIONS

Please do not hesitate to call if you have any questions. The site plan can be drawn on the graph below.

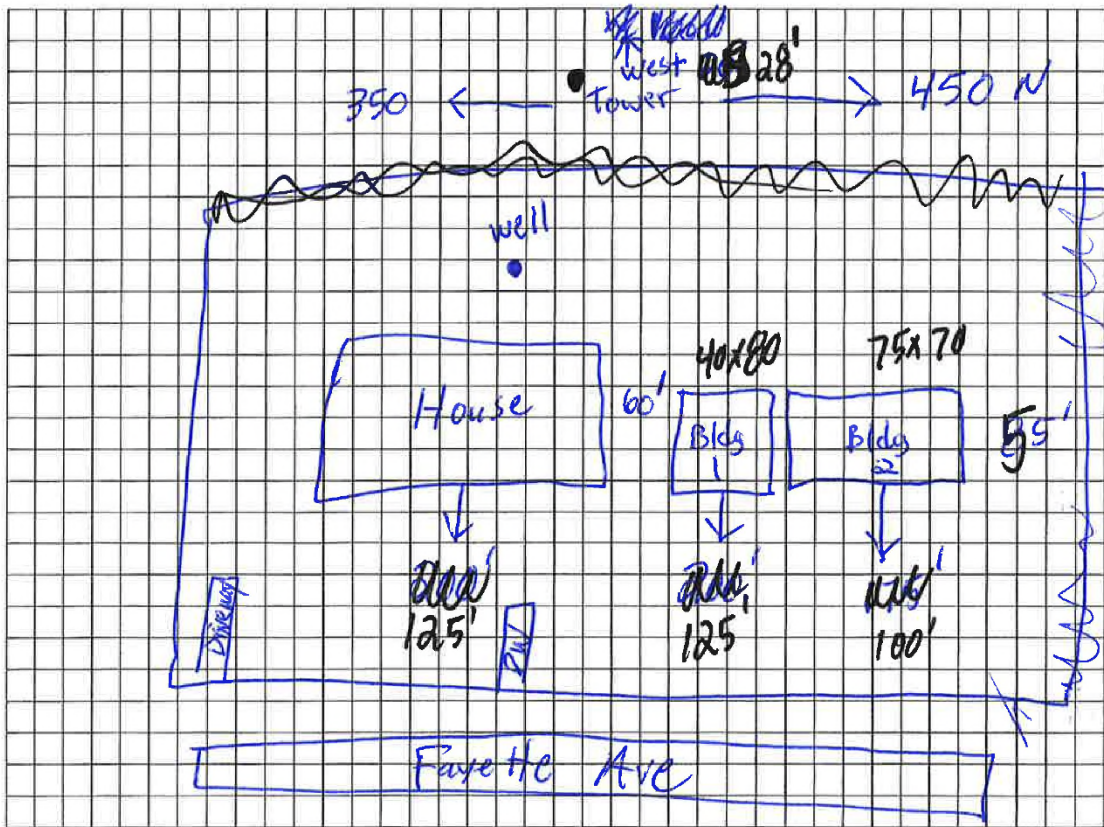
Refer to the setback reference sheet for your zoning district when planning your project.

Following is the list of things we need to see on your site plan, the site plan does not have to be to scale but should include the following:

- Indicate which way is north.
- Show where the road is that goes past the parcel and name it.
- Show the County Right-Of-Way (the distance from the center of the road to the beginning of your lot line. Typically, it is around 33' and ends at your property's fence line.)
- Indicate any field entrances or drives leading into parcel.
- Show any buildings or structures currently on land. Label "Existing" and/or "New"
- Show length, width, and height of new building or addition.
- Indicate septic system and direction leech field flows.
- Show where well is located.
- Indicate with arrowed lines the distance on each side from house to lot line.
- Indicate with arrowed lines the distance on each side from accessory structure to lot line.
- Show there is a minimum of 10' between buildings.

When your Site Plan is complete, please return with completed building permit application and applicable fee. Be sure to sign where indicated before a Notary.

Woodbury County Community & Economic Development
 620 Douglas St., 6th Floor
 Sioux City, IA 51101



PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE: (Tab at the end of each line to continue)

Private Generation for home, farm, business
use

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

private Generation for home, farm,
business use to provide Clean
energy and selling energy back to power
Grid.

- (b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. (Tab at the end of each line to continue)

Reducing Carbon emissions and Clean
energy. State and Federal gov't has
a renewable energy plan. Turbine was installed
with 40% USDA Grant through Federal grant.
Also 50% State and Federal tax credit.

- (c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Tab at the end of each line to continue)

Property is located in AP 2019
Farm fields in all 4 directions
Tower is located unobstructed 350' S
+1000' W, +1000' N, 195' E
Tower w/ Turbine is 100'

- (d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Tab at the end of each line to continue)

Property that structure is located
on is in AP 2019 w/ farm
fields in all directions with
Zero obstructions.

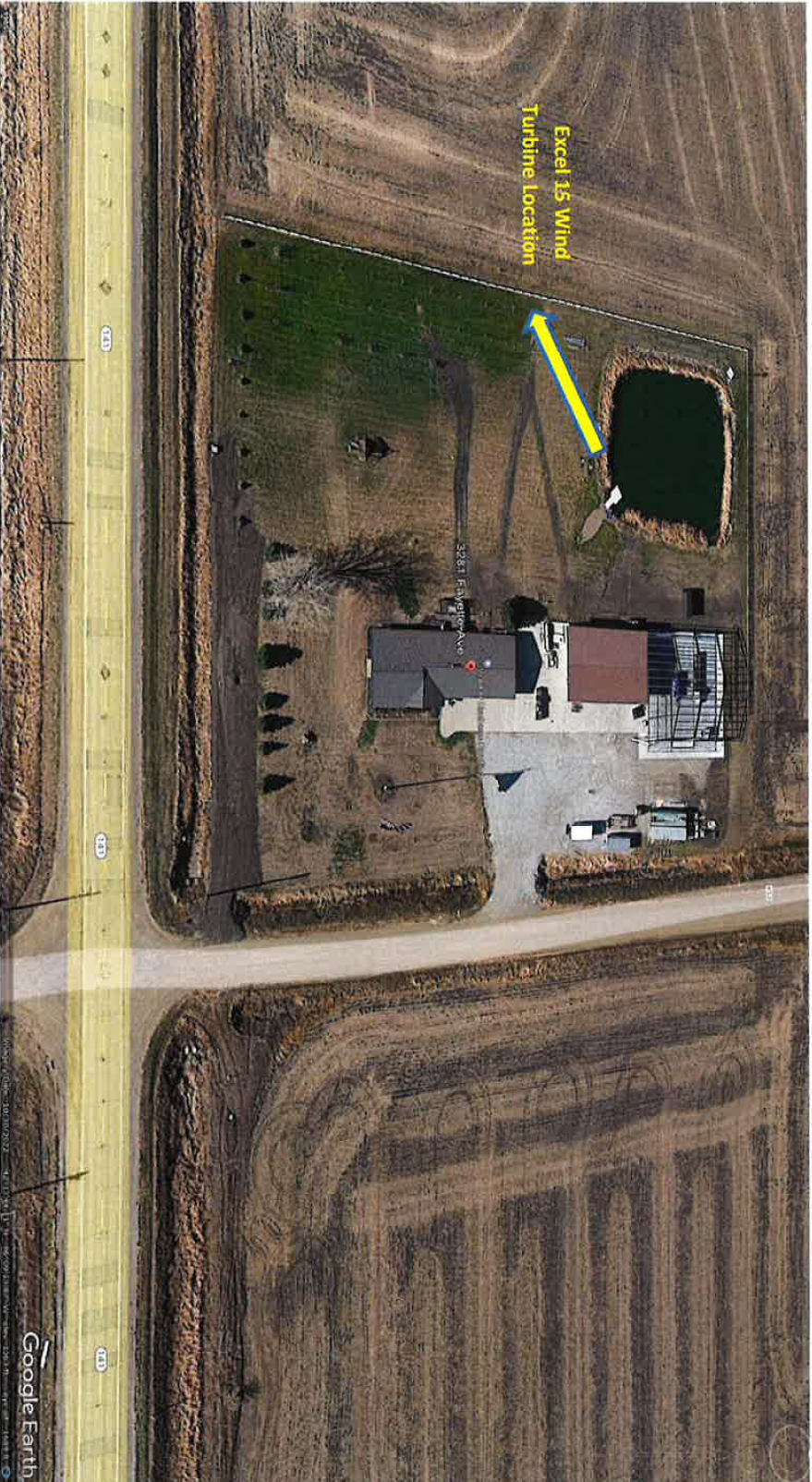
(e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

private property not for
public use

(f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (Tab at the end of each line to continue)

The structure is situated on
private property with mandatory set
backs along property. Zero obstructions
in all directions

Walker Bros. Roofing, Inc. Wind Turbine Location
3281 Fayette Ave. Sloan, IA



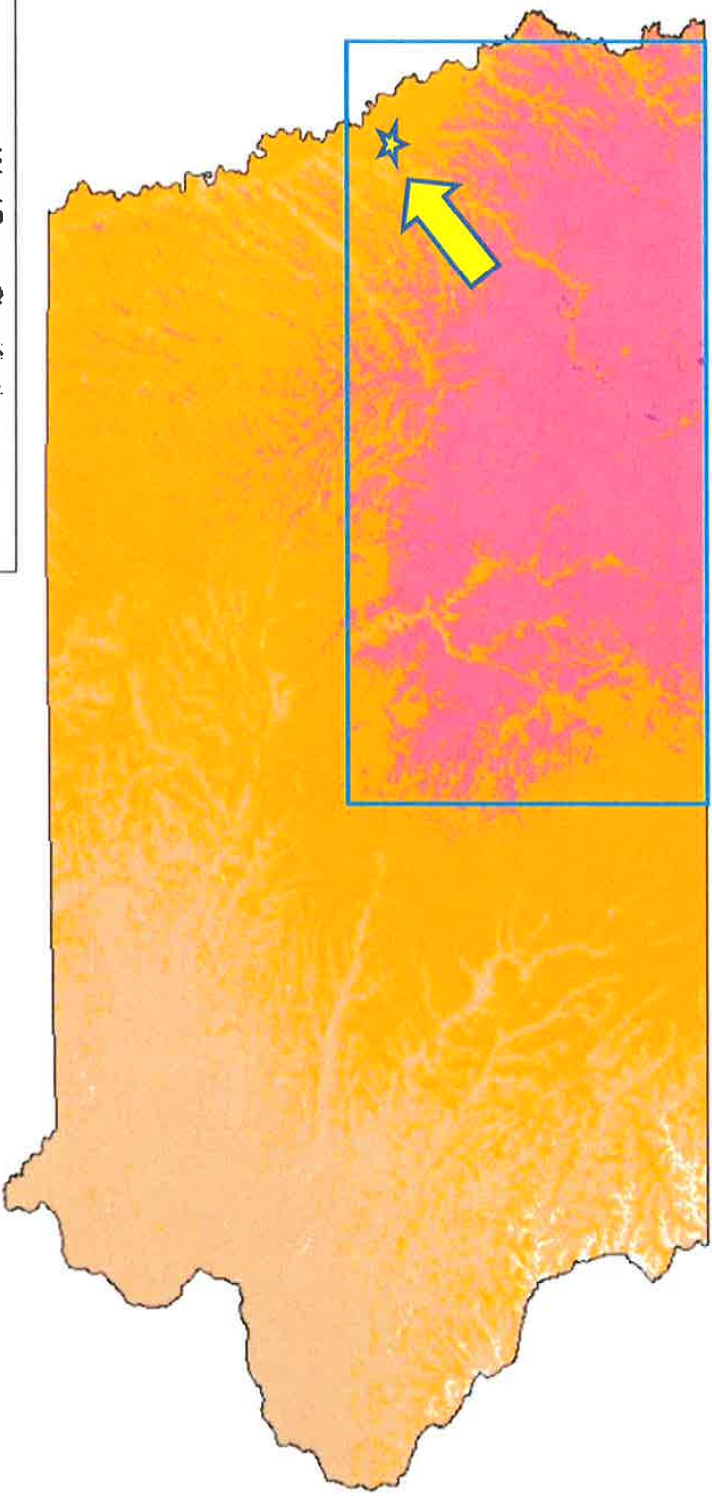
The turbine location is ideal with wide open unobstructed space in all directions. In particular, the prevailing winds from the North and South are wide-open for miles. The Iowa 50m wind map indicates the area is in the range of 6.4-7 m/s or 14.3-15.7 mph, which for a small turbine like the Excel 15 is an excellent wind resource. This map was compiled by NREL using historical data. The turbine site analysis was performed by Cody Buhrman with American Windpower. Cody has sighted hundreds of wind turbines in his +10-year wind energy career and is acknowledged as a small wind turbine expert.



Approximately 350' from the **South** property line (road), 300' from the **East** property line (road) and +1,000' from the **North** and **West** property lines

The Wind Turbine is the Excel 15 manufactured by Bergey Windpower. It has a rated output of 15KW in an 11 m/s wind speed. The underground electrical wiring is approximately 195' from the tower base to the synchronous inverter in the shop building and 195' from the meter as indicated on the drawing. From the meter the wiring will enter the inverter and then exit into an accessible, lockable disconnect and then into the utility electric meter. The Utility is Mid-American in Davenport, IA.

Iowa - Annual Wind Power at 50-m Height



Wind Power Classification

Wind Power Class	Resource Potential	Wind Power Density at 50m W/m ²	Wind Speed ^a at 50 m m/s	Wind Speed ^a at 50 m mph
1	Poor	0 - 200	0.0 - 5.6	0.0 - 12.5
2	Marginal	200 - 300	5.6 - 6.4	12.5 - 14.3
3	Fair	300 - 400	6.4 - 7.0	14.3 - 15.7
4	Good	400 - 500	7.0 - 7.5	15.7 - 16.8
5	Excellent	500 - 600	7.5 - 8.0	16.8 - 17.9
6	Outstanding	600 - 800	8.0 - 8.8	17.9 - 19.7
7	Superb	> 800	> 8.8	> 19.7

^aWind speeds are based on a Weibull k value of 2.0



VIEW FACING EAST



VIEW FACING SOUTH



VIEW FACING WEST



VIEW FACING NORTH

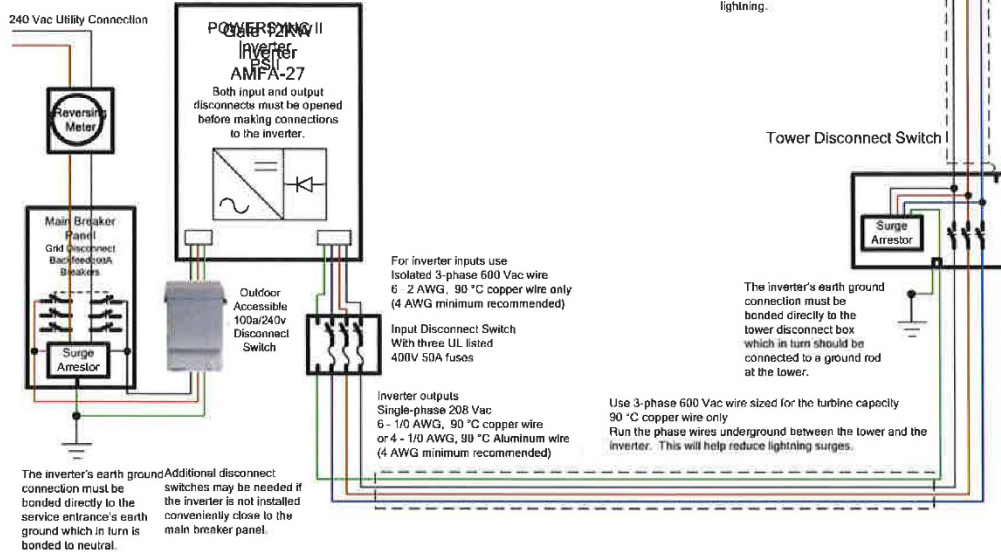




ELECTRIC METER

4.9. Connection example

Wiring methods in accordance with the National Electrical Code, ANSINFPA 70 are to be used. Electrical Connections are made to the unit via the 1.5" conduit holes in the bottom of the enclosure. Use at least 12" of flexible conduit below inverter for input and output connections.



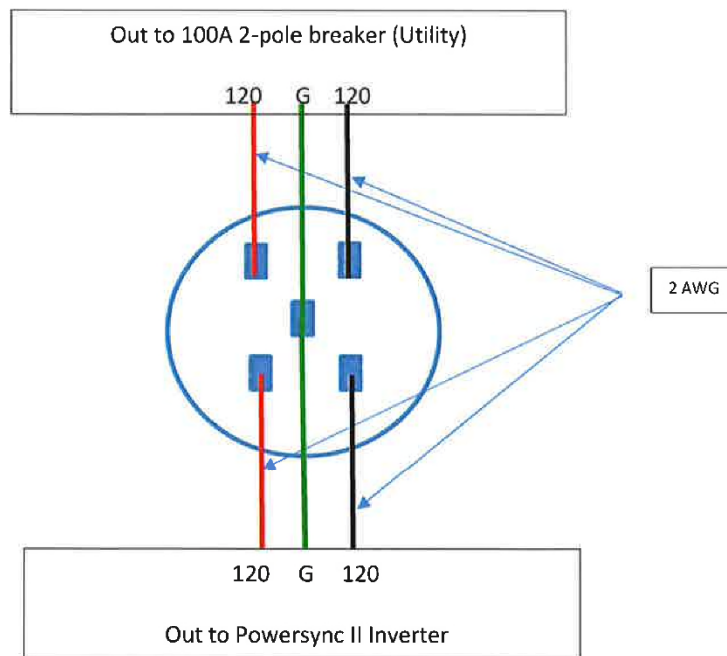
Surge arrestors are not required but are recommended. No lightning protection system provides complete protection. Lightning damage is not covered under your warranty. Contact your distributor or DTI for application specific lightning surge suppression solutions.

Rev. 2.6
28 October 2011

With the wind turbine tower sticking high into the air, lightning damage is a concern to most inverter customers; especially those customers in areas with frequent cloud to ground lightning. BWC's warranty

does not cover lightning damage to the inverter. A direct lightning strike can easily be in excess of 100kV at 100kA. Proper grounding of the turbine to the tower and running the input wires down the tower in grounded metal conduit will take care of most of this energy. The standard inverter is capable of withstanding input line to ground surges of about 6kV at 3kA. Contact your distributor or BWC for application specific lightning surge suppression solutions.

Addition to one-line drawing
(Detail for production meter)



This authorizes the application of the Certification Mark(s) shown below to the models described in the Product(s) Covered section when made in accordance with the conditions set forth in the Certification Agreement and Listing Report. This authorization also applies to multiple listee model(s) identified on the correlation page of the Listing Report.

This document is the property of Intertek Testing Services and is not transferable. The certification mark(s) may be applied only at the location of the Party Authorized To Apply Mark.

Applicant: Bergey Windpower Co. LLC

Manufacturer: Bergey WindPower Co. LLC

Address: 2200 Industrial Blvd.
Norman, OK 73069

Address: 2200 Industrial Blvd.
Norman, OK 73069

Country: USA
Contact: Michael Bergey
Phone: 405-364-4212
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Country: USA
Contact: Michael Bergey
Phone: 405-364-4212
FAX: 405-364-2078
Email: mbergey@bergey.com

Party Authorized To Apply Mark: Same as Manufacturer
Report Issuing Office: Cortland, NY

Control Number: 4004435

Authorized by: _____

Claudia Ladynski
for L. Matthew Snyder, Certification Manager



This document supersedes all previous Authorizations to Mark for the noted Report Number.

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Intertek Testing Services NA Inc.
545 East Algonquin Road, Arlington Heights, IL 60005
Telephone 800-345-3851 or 847-439-5667 Fax 312-283-1672

Standard(s):	Inverters, Converters, Controllers And Interconnection System Equipment For Use With Distributed Energy Resources [UL 1741:2010 Ed.2+R:15Feb2018] and [IEEE 1547 compliant] General Use Power Supplies (R2011) <Expires: 01Jan2022> [CSA C22.2#107.1:2001 Ed.3]
Product:	STATIC INVERTERS AND CONVERTERS FOR USE IN INDEPENDENT POWER SYSTEMS WIND TURBINE CONVERTER
Brand Name:	PowerSync II
Models:	PSII PSII12

A Bergey WindPower Company Manual

POWERSYNC II INVERTER

Operator's Manual & Installation Instructions

**Part No. MANPSII
Rev. 1.1
November 2014**



Bergey WindPower Company. All Rights Reserved.
2200 Industrial Blvd. Norman, Ok US
1.405.364.4212
www.bergey.com



Permanently-connected, utility Interactive, single-phase, inverters

Model PSII WIND TURBINE INVERTER (240 VAC nominal output)
The phase angle between L1 and L2 is 180°. Line to Neutral is 120 VAC nominal.

Model PSII126208 WIND TURBINE INVERTER (208 VAC nominal output)
The phase angle between L1 and L2 is 120°. Line to Neutral is 120 VAC nominal.

ETL - Evaluated to the requirements of the Standard for Safety for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources, UL 1741, 2nd Edition, dated January 28, 2010.

CNL - Additionally evaluated to CAN/CSA C22.2 No. 107.1-1, "General Use Power Supplies." 3rd Edition, Dated September 1st, 2001 with revision through 2006.

The Bergey WindPower Company's model PSII12 and PSII126208 inverters are intended for variable frequency un-rectified 3-phase AC input from Wind Powered Turbines.

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2. Ratings

2.1. Input Rating

Input Voltage Maximum (3 Phase Input)	400 VAC
Input Start Voltage Minimum	30 VAC
Input Operating Voltage Range	200 to 400 VAC
Input Frequency Maximum	400 Hz
Input Current Maximum	40 Amps
AC Backfeed Current to Input Source	N/A

2.2. Output Rating

Model	PSII	PSII126208
Continuous Output Power Maximum	15000 W	12400 W
Continuous Output Power Tolerance	±10%	
Output Voltage Nominal (Single Phase) Line-Line	240 VAC	208 VAC
Operating Voltage Range Line-Line	212-264	184-228
Output Voltage Nominal (Single Phase) Line-Neutral	120 VAC	
Operating Voltage Range Line-Neutral	106-132 VAC	
Continuous Output Current Maximum	62.5 Amps	
Continuous Output Current Tolerance	± 10%	
Voltage Measurement Tolerance	± 10 VAC	
Operating Frequency Nominal	60 Hz	
Operating Frequency Range	59.3 to 60.5 Hz	
Operating Frequency Measurement Tolerance	± 0.5 Hz	
Output Power Factor	0.95 ± 0.05	
Temperature Range Normal Operation	-4°F to 113°F / -20°C to 45°C	
Output Over-Current Protection Maximum	100 Amps	
Synchronization In-Rush Current Maximum	6.3 Amps	
Utility Interconnection Trip Time	100 msec	
Time Measurement Tolerance	± 85 msec	

2.3. Other Specifications

Dimensions	32.9"H x 24.3"W x 9" D 836 x 607 x 230 mm
Weight	153 lbs. / 64 Kg
Enclosure	NEMA Type 1

NEMA 1 indicates that the enclosure is constructed for indoor use only. It provides protection to personnel against incidental contact with the enclosed equipment.



3. Important Safety Instructions

SAVE THESE INSTRUCTIONS

This manual contains important instructions for Models PSII12 and PSII126208 that shall be followed during installation and maintenance of the inverter.

The output field wiring terminal can be used for connection of a maximum of:
One 1/0 AWG wire per terminal (1 wire for each line)

The input field wiring terminal can be used for connection of a maximum of:
One 2 AWG wire per terminal (1 wire per phase per terminal provided).

The field-wiring terminals shall be connected using the following wire types:

Copper Conductors Only (Input connection)
Use No. 8 - 2 AWG, 75°C copper wire only

Copper, Aluminum or Copper-Clad Aluminum Conductors Only (Output connection) □
Use No. 6 – 1/0 AWG, 75°C Copper Conductors
Use No. 4 – 1/0 AWG, 75°C Copper Clad Aluminum, or Aluminum Conductors.

The following symbols are used as markings on this product with the following meanings:

Equipment grounding conductor –



This inverter is intended for operation in an indoor NEMA 1 compatible environment having a maximum ambient temperature of 45°C (113° F).

This unit or system is provided with fixed trip limits and shall not be aggregated above 30kW on a single Point of Common Connection

CAUTION

To reduce the risk of fire, connect only to a circuit provided with 80 amperes maximum branch-circuit over-current protection in accordance with the National Electrical Code, ANSI/NFPA 70.

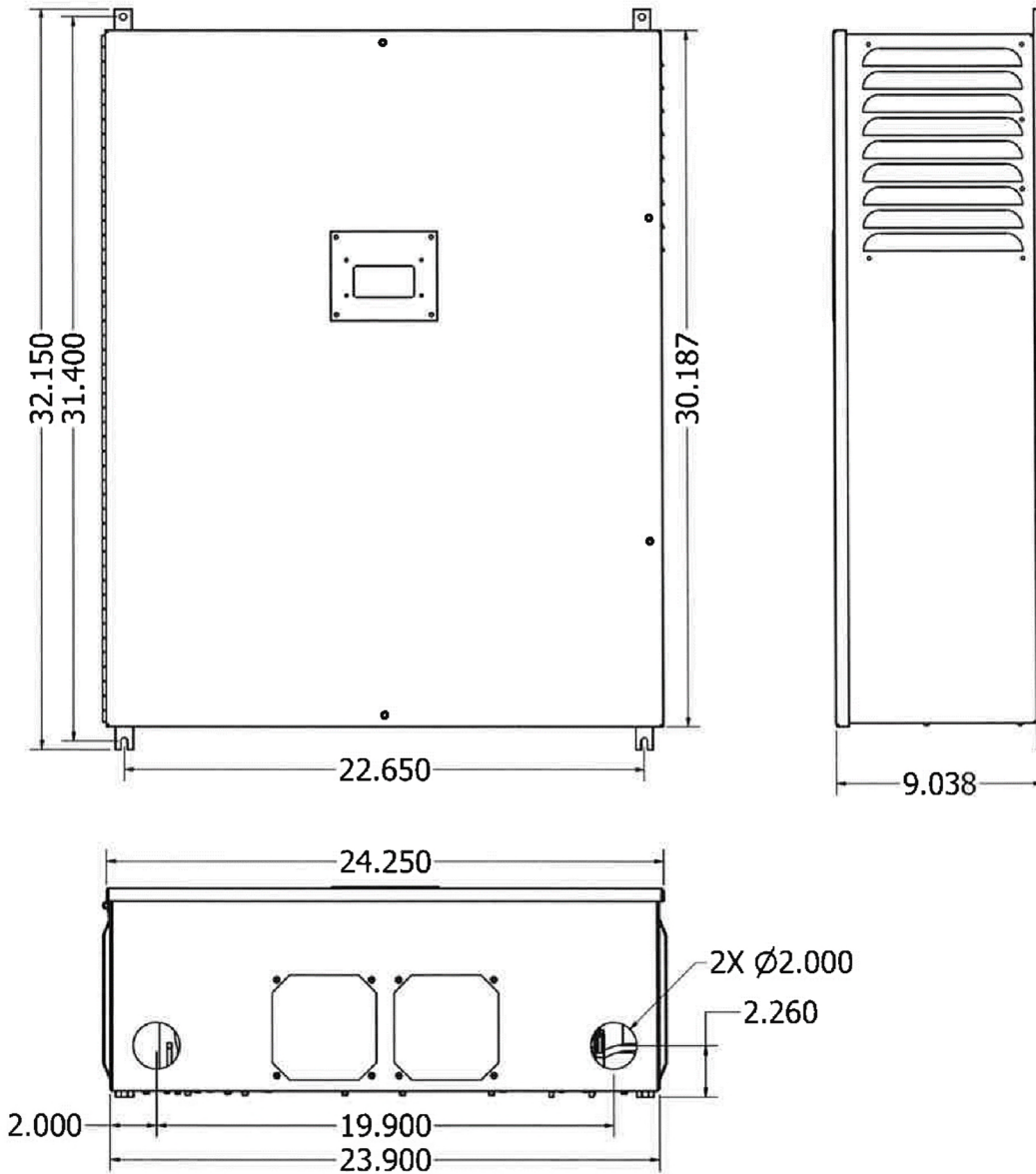


Hot surfaces – To reduce the risk of burns – Do not touch
The enclosure and the rear heatsink can exceed 70°C (150°F).

Note that the input and output circuits are isolated from the enclosure. In accordance with Clause 15.2.1.1 of CAN/CSA-C22.2 No. 107.1, system grounding, when required by the *Canadian Electrical Code, Part I*, is the responsibility of the installer.

D. Installation

1. Dimensions



2. Locating

- The inverter must be installed in a weather protected environment.
- The inverter emits audible noise when operating. Do not locate the inverter in living spaces or on walls directly connected to living spaces.
- For maximum energy production, avoid installing in direct sunlight or in locations that are likely to exceed 45°C (113°F) local ambient temperature.

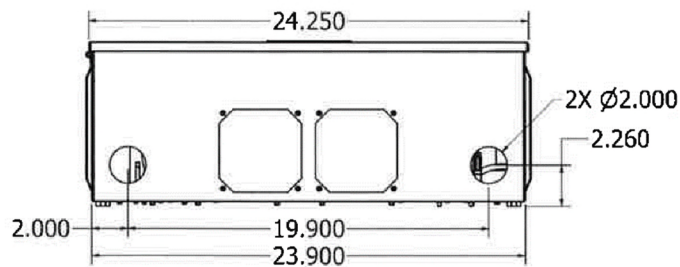
- The inverter will automatically shut down if the temperature is below -20°C (-4°F). Protect from extreme cold exposure if this is undesirable.
- Enclosure ventilation is to be provided such that the following guidelines are satisfied.
 - Provide a minimum of 12 inches clearance to the bottom air inlet filters.
 - Provide a minimum of 6 inches clearance to the outlet side vents.
 - Use in a well-ventilated area within the maximum ambient temperature rating.
- If the inverter is installed in a small structure or out building, the structure must be provided with top and bottom venting of at least 100 square inches at each opening.

3. Mounting

- The enclosure, having a NEMA 1 rating, is designed for indoor installation.
- The enclosure is provided with four mounting feet with 0.281" dia. mounting holes.
- For mounting to a 0.10" thick metal surface, use M6, 1/4-20 or 1/4-28 bolts grade 3 or higher with nuts and flat washers.
- For mounting to concrete, use M6 or 1/4" bolts using concrete anchors with an 800 pound or greater tension rating.
- The required bolt length is such that the internal threads need to be 100% engaged.
- The enclosure is to be oriented with the conduit openings facing toward the floor.

4. Electrical Connections

- Connections are made to the unit via the holes in the bottom of the enclosure.
- **Holes are sized for 1.5" rated conduit.** Wiring methods in accordance with the National Electrical Code, ANSI/NFPA 70 are to be used.
- It is recommended that at least 12" of flexible conduit be used below the inverter to make alignment easier.
- Cutting additional holes in the enclosure is not recommended and voids the warranty on the enclosure against corrosion and water damage. Any damage to the electronics caused by the modification will be **your** responsibility.



4.2. Locating

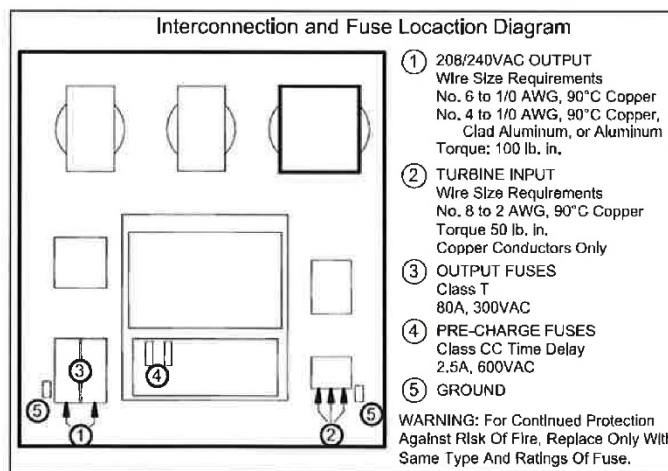
- The inverter must be installed in a weather protected environment.
- The inverter emits audible noise when operating. Do not locate the inverter in living spaces or on walls directly connected to living spaces.
- For maximum energy production, avoid installing in direct sunlight or in locations that are likely to exceed 45°C (113°F) local ambient temperature.
- The inverter will automatically shut down if the temperature is below -20°C (-68°F). Protect from extreme cold exposure if this is undesirable.
- Enclosure ventilation is to be provided such that the following guidelines are satisfied.
 - Provide a minimum of 12 inches clearance to the bottom air inlet filters.
 - Provide a minimum of 6 inches clearance to the outlet side vents.
 - Use in a well-ventilated area within the maximum ambient temperature rating.
- If the inverter is installed in a small structure or out building, the structure must be provided with top and bottom venting of at least 100 square inches at each opening.

4.3. Mounting

- The enclosure, having a NEMA 1 rating, is designed for indoor installation.
- The enclosure is provided with four mounting feet with 7/16" dia. mounting holes.
- For mounting to a 0.10" thick metal surface, use M6, 3/8" bolts grade 3 or higher with nuts and flat washers.
- For mounting to concrete, use M6 or 3/8" bolts using concrete anchors with an 800 pound or greater tension rating.
- The required bolt length is such that the internal threads need to be 100% engaged.
- The enclosure is to be oriented with the conduit openings facing toward the floor.

4.4. Electrical Connections

- Connections are made to the unit via the holes provided in the bottom of the enclosure.
- Knockouts are sized for 1" and 1.5" conduit sizes. Wiring methods in accordance with the National Electrical Code, ANSI/NFPA 70 are to be used.
- It is recommended that at least 12" of flexible conduit be used below the inverter to make alignment easier.
- **CUTTING ADDITIONAL HOLES IN THE ENCLOSURE IS NOT RECOMMENDED AND VOIDS THE WARRANTY ON THE ENCLOSURE AGAINST CORROSION AND WATER DAMAGE. ANY DAMAGE TO THE ELECTRONICS CAUSED BY THE MODIFICATION WILL BE YOUR RESPONSIBILITY.**



4.5. AC Line (Output) Connection

- The AC line output is single phase and not bonded to ground.
- Connect the two single phase 240VAC or 208VAC wires from the distribution panel to the dual fuse block located on the lower left side of the enclosure.
- Tightening torque, allowable wire size, and type, for the Field-Wiring Terminals:
 - 6 AWG to a maximum of 1/0 AWG for Copper Conductors Only
 - 4 AWG to a maximum of 1/0 AWG for Aluminum Or Copper-Clad Aluminum Conductors Only
 - Wire rated 75°C minimum
 - 100 lbf-in tightening torque maximum

4.6. Turbine (Input) Connection

- Connect the three phase turbine wires to the terminal block located on the lower right side of the enclosure.
- The inverter's wind turbine input must be connected to a 3-phase "delta" or "wye" connection with the neutral not connected to earth ground (left floating).
- The inverter must be provided with 3, UL listed fuses rated, 600 VAC minimum, 50 Amp maximum for proper protection from the wind turbine input to the unit as well as an appropriate UL listed fuse holder to accommodate the fuses.
- Tightening torque, allowable wire size, and type, for the Field-Wiring Terminals:
 - 50 lbf-in tightening torque
 - 8 AWG - to a maximum of 2 AWG for Copper Conductors Only
 - Wire rated 75°C minimum

4.7. Earth Ground Connection

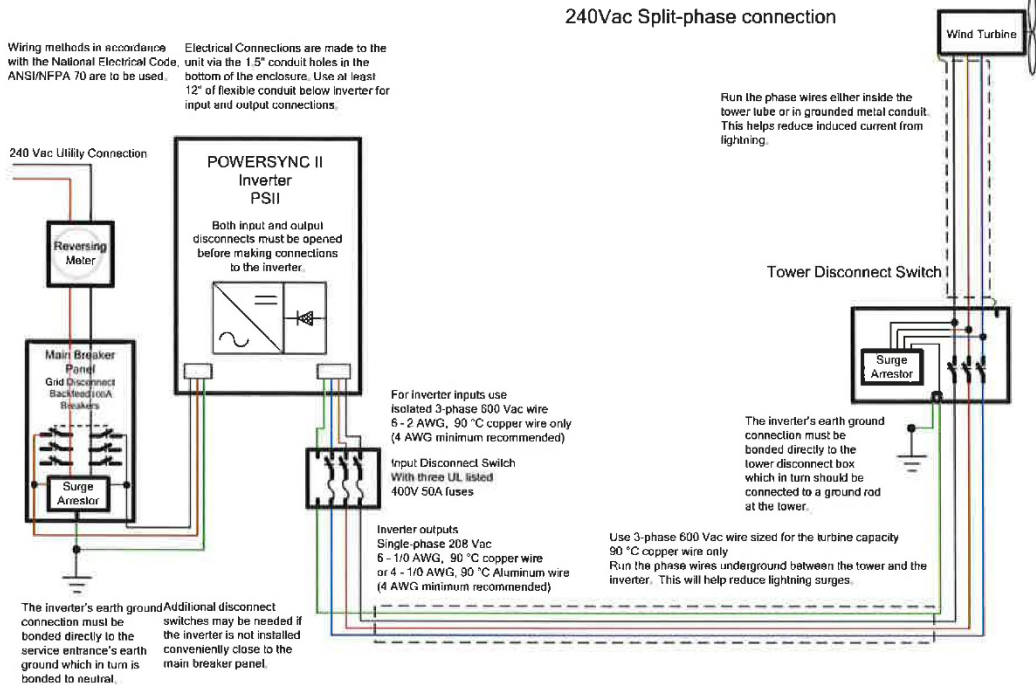
- Earth ground is to be connected to the two terminals provided inside the enclosure indicated by the earth ground equipment marking.
 - Allowable wire size range is 8 AWG – 4 AWG.
 - 50 lbf-in tightening torque
- The inverter's earth ground connections available on both the input and output terminals must be bonded directly to the service entrance's earth ground which in turn is bonded to neutral. With a second bond, the inverter's earth ground connection must be bonded directly to the tower disconnect ground lug which in turn is bonded to the tower's ground rod.
- The input and output circuits are isolated from the enclosure. System grounding when required by the *Canadian Electrical Code, Part I*, is the responsibility of the installer.



4.8. Fuse replacement

- **Warning:** For continued protection against risk of fire, replace only with same type and ratings of fuse.
- Two output fuses are located in the dual fuse block on the lower left side of the enclosure. Class T 80A, 300VAC (BUSSMANN JJN-80).
- Two pre-charge fuses are located on the Rectifier PCB board. Class CC Time Delay, 2.5A, 250VAC (BUSSMANN BK/GMD-2.5-R).
- Three input fuses are located in a separate fuse box provided by the installer. Fuse type may vary, but must be UL listed fuses rated, 400 VAC minimum, 50 Amp maximum.

4.9. Connection example



Rev. 2.6
28 October 2011

With the wind turbine tower sticking high into the air, lightning damage is a concern to most inverter customers; especially those customers in areas with frequent cloud to ground lightning. BWC's warranty does not cover lightning damage to the inverter. A direct lightning strike can easily be in excess of 100kV at 100kA. Proper grounding of the turbine to the tower and running the input wires down the tower in grounded metal conduit will take care of most of this energy. The standard inverter is capable of withstanding input line to ground surges of about 6kV at 3kA. Contact your distributor or BWC for application specific lightning surge suppression solutions.



5. Operation

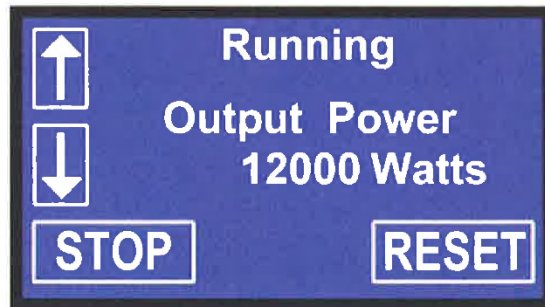
This equipment is a UL 1741 certified Utility Interactive Inverter and complies with the requirements of IEEE1547 which is the standard for interconnecting distributed resources with electric power systems. It will not operate in an off-grid or backup power configuration.

The normal operation of the inverter is as follows: When single phase utility power is applied to the output of the inverter, the display will power up and a message stating that the unit is initializing is shown. If there are no faults, i.e. grid voltage and frequency are in tolerance, a countdown timer set for 5 minutes (300 seconds) starts before the inverter is ready to transfer power to the utility grid. The inverter will automatically transfer power to the utility when turbine input AC voltages is in the range of 30VAC to 400VAC.

As the heatsink heats up after exporting significant power for a period of time the internal cooling fans will activate. The inverter is be able to operate at full power continuously if provided with adequate ventilation and the local ambient temperature stays below 45°C (113°F). If the ventilation is compromised or the heatsink temperature exceeds 60°C, the inverter will automatically reduce its output power.

6. Touch Screen Display

The touch screen display located on the front panel of the enclosure provides manual over-ride and status of the inverter's operation. The touch screen display also provides a Stop and a Reset button. The Stop button is used when it is desired to disconnect the inverter from the power grid and the wind turbine. After Stop is pressed the inverter will remain in a powered-up stand-by mode until Reset is pressed or Grid voltage is removed. When Reset is pressed the inverter will resume normal operation.



The status of the inverter's operation is shown on the lines one and two of the display. The following table lists the status messages that may appear.

Status Message	Description
Waiting Initializing	The inverter has been reset or that the 5 minute countdown delay is in progress
Waiting For Wind	The voltage from the turbine is lower than the factory set auto-start voltage threshold
AC Running	The active rectifier is regulating the internal DC Boost voltage
Running	The inverter is transferring power to the utility grid
Fault	A fault has occurred. See fault messages
Manual Stop Press Reset	The manual stop button has been pressed
Fault Limit Press Reset	Three faults have occurred in an hours time



Status Message	Description
Disconnected	Indicates that a communication problem exists between the display and the inverter. Check for bad cable connection.
OV Power Limit	The inverter has detected that the output voltage is approaching the over voltage limit and is reducing its output to compensate for the less than ideal current carrying ability of grid connection.

The Up and Down arrow that is visible on the left side of the touch screen display is used to scroll through a list of parameters. The list of viewable parameters is as follows:

Parameter	Description
Grid Voltage	Magnitude of the connected single phase grid voltage
Grid Frequency	Frequency of the connected single phase grid voltage
Bus Voltage	Magnitude of the DC link bus voltage
DC Current	Averaged value of the DC current
Turbine Volts	Averaged value of the rectified DC voltage from the Input
Output Power	Output power displayed in Watts
Accumulated Energy	Output Energy (kW hours) accumulated over time of operation
VREF	Used for factory/installer setup
IREF	Used for factory/installer setup
Last Fault	Displays the last fault that occurred since the inverter was powered up along with a fault code that may be useful when troubleshooting.
Unit Code Rev	Indicates the firmware revision of the control DSP
Disp Code Rev	Indicates the firmware revision of the LCD display DSP

A hidden feature of the display is the contrast adjustment. The right side of the display has invisible up and down arrows that can be used to increase and decrease the contrast of the display.

Grid Voltage

This the voltage measured line to line on the output of the inverter. The voltage must be between 212 to 264Vac (184 to 228Vac for 208V units) for the inverter to operate. The line to neutral voltage is important as well, although it is not reported on the LCD screen. It must be between 106 and 142Vac for both 240V and 208V units.

Grid Frequency

This is the frequency of the grid and determined by the utility. The frequency must be between 59.4 and 60.4 Hz for the inverter to operate.

Bus Voltage

This is the voltage of the boosted DC link bus that is used to generate the output sine wave. This voltage should stay between 200 and 570 Vdc but will not trip off until it reaches 680Vdc.



DC Current

This is the input current measured after the 3-phase AC input has been rectified to DC. $I_{dc} = I_{REF} / 9$
This current should not exceed 58A.

Turbine Volts

This is the DC voltage of the input measured after the 3-phase AC input is rectified. The inverter will begin exporting power when this voltage exceeds 85Vdc. This voltage should never exceed 690Vdc.
 $V_{dc} = V_{ac} * 1.41$

Output Power

This is how much real power in Watts the inverter is currently producing or consuming if it is waiting for wind. Standby power while waiting for wind is about -10W. This measurement is not completely accurate and may not agree with an external meter.

Accumulated Power

This is how much real power the inverter has produced or consumed since it was last calibrated at BWC. This measurement is not completely accurate and may not agree with an external meter.

VREF

VREF is the input rectified voltage as a raw value. $V_{REF} = V_{dc} * 2.52$
Vref is used as an index look-up into a virtual table used for a customizable 32 point power curve table.

IREF

IREF is the current request in counts for a given DC input voltage tracked by VREF. Using this configuration the inverter can be adjusted to provide any power curve required. $I_{REF} = I_{dc} * 9$

Last Fault

Fault messages are displayed when a fault occurs and when the last fault parameter is selected. The following table is a list of possible faults that may be displayed.

7. Trouble Shooting

Fault Message	Fault Code	Description
INTERNAL ERROR	10	IGBT or control logic fault. An occurrence of this fault requires that the unit be completely powered down to reset it. Frequent code 10 faults indicate that the unit should be returned to BWC for service.
DC OVER VOLT 1	1000	The DC Bus voltage has exceeded its maximum threshold. This occurs if the input power exceeds the output power. This may occur in exceptionally high winds especially if the OV Power limit is active or temperature throttling is occurring.
DC OVER VOLT 2	1500	The DC Input voltage has exceeded its maximum threshold. This may occur in exceptionally high wind conditions.
DC UNDER VOLT	1250	The internal DC Boost voltage has dropped below its minimum threshold. This usually indicates a configuration problem and is normally never seen.
AC OVER VOLT	2030	The AC line voltage has exceeded its maximum threshold. This occurs if OV limiting was not able to prevent the high grid voltage. Site issues should be investigated such as loose grid side connections, undersized wires or grid voltage flickers.



Fault Message	Fault Code	Description
AC UNDER VOLT	2280	The AC line voltage has dropped below its minimum threshold. It is normal to see this when the inverter has been disconnected from the grid. It may also occur momentarily when large equipment is turned on nearby.
TURBINE PHASE	2500	Indicates that there is a problem with one or more of the turbine input phases. The inverter shuts down to protect the turbine from potential damage. Check for bad connection(s), blown fuse and ground faults on the turbine side.
AC OVER CURRENT	3000	Grid output current on line 1 has exceeded its maximum current threshold. This can be caused by a sudden grid load change.
AC OVER CURRENT	3020	Grid output current on line 2 has exceeded its maximum current threshold. This can be caused by a sudden grid load change.
DC OVER CURRENT	3050	The DC Boost circuit has exceeded its maximum current threshold. Check for ground faults on the turbine side.
OVER TEMP	4000	The internal high temperature threshold has been exceeded. Check for obstructions in the intake (bottom) and exhaust vents (both sides), cooling fans are both working, proper ventilation is provided and no exposure to direct sunlight.
UNDER TEMP	4250	The internal low temperature threshold has been exceeded. Avoid exposing the unit to temperatures below -20°C (-68°F).
GROUND FAULT	7000	A grid side phase is shorted to chassis ground. It may require a Megger to troubleshoot the fault.
AC OVER FREQ	8000	The frequency of the utility grid voltage went out of range. This can occur when large equipment is switched on/off, if the grid is disconnected or the grid flickers.
AC UNDER FREQ	8100	The frequency of the utility grid voltage went out of range. This can occur when large equipment is switched on/off, if the grid is disconnected or the grid flickers.

8. Equipment Maintenance

- Periodically check the ventilation screen for the cooling fans. When necessary, use a vacuum to clean the screen from the outside of the enclosure. Do not force air or spray water into the enclosure.
- The touch screen display may become dirty over time. To clean the display use clean water applied to a soft non-abrasive cloth. Water sprayed directly onto the display could possibly leak inside and cause damage. Dirt and fingerprints do not affect the operation of the touch screen display.



9. Return Shipment Information

If service or repair is required, please contact your distributor first. They may have warranty and service options available beyond BWC's standard warranty. If they are unable to help you, contact BWC's Service Department for a Return Material Authorization (RMA) number and shipping instructions. Note that inverters must be shipped freight on a pallet and can not be handled by standard carriers. If the product is out of warranty, or was damaged during shipment, a purchase order will be required for the repair. The product should be returned in its original shipping materials. Unapproved containers may cause further damage to your inverter. Contact BWC if replacement material is required. Seal the carton securely and ship prepaid to the following address with the RMA number on the label. Be sure to insure your inverter with your shipper.

Bergey WindPower Company
Service Department
2200 Industrial Blvd.
Norman, OK 73069
RMA# _____

To contact the Service Department:
Telephone: (405) 364-4212
Fax: (405) 364-2078
Email: service@bergey.com

Items determined to be covered under warranty will be returned freight prepaid. Items not in warranty will be returned freight collect, contact BWC's Service Department.

10. Revision History

Date	Revision	Summary of Corrections
April 7, 2014	1.0	Production Release
November 2014	1.1	Enclosure mounting / Fault code comments

Woodbury County, IA / Sioux City

Summary

Parcel ID 864626400009
 Alternate ID 700216
 Property Address 3281 FAYETTE
 SLOAN IA 51055
 Sec/Twp/Rng 26-86-46
 Brief SLOAN TOWNSHIP A TCT IN SE SE OF 26-86-46 DESCRIBED AS BEG AT SE COR OF SEC 26 THNC N 66' TO
 Tax Description POB;THNC W 368.01;THNC N 476.99;THNC E 368.01;THNC S 478.95' TO POB
 (Note: Not to be used on legal documents)
 Deed Book/Page [754-11474\(9/22/2017\)](#)
 Gross Acres 3.68
 Net Acres 3.68
 Adjusted CSR Pts 0
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0046 SLOAN/WESTWOOD
 School District WESTWOOD COMM
 Neighborhood N/A



Owner

Deed Holder
 WALKER WILLIAM KYLE & ALANA R
 3281 FAYETTE AVE
 SLOAN IA 51055
Contract Holder
Mailing Address
 WALKER WILLIAM KYLE & ALANA R
 3281 FAYETTE AVE
 SLOAN IA 51055

Land

Lot Area 3.68 Acres ;160,301 SF
Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1981
 Condition Above Normal
 Roof Mtl / Gable
 Flooring
 Foundation C Blk
 Exterior Material Vinyl
 Interior Material Drwl
 Brick or Stone Veneer
 Total Gross Living Area 2,982 SF
 Main Area Square Feet 2124
 Attic Type None;
 Number of Rooms 9 above; 0 below
 Number of Bedrooms 6 above; 0 below
 Basement Area Type None
 Basement Area 0
 Basement Finished Area
 Plumbing 3 Standard Bath - 3 Fi; 1 Toilet Room (1/2 Bat; 1 Lavatory;
 Appliances
 Central Air Yes
 Heat Yes
 Fireplaces 1 Masonry;
 Porches
 Decks Concrete Patio (340 SF); Vinyl/CompoDeck (400 SF);
 Additions 1 Story Frame (8 SF);
 1 Story Frame (850 SF);
 Garages 552 SF - Att Frame (Built 1981);

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
		Steel Utility Building	40	80	2017	1
		Steel Utility Building	70	75	2022	1

Yard Extras

#1 - (1) Shed W10.00 x L16.00 160 SF, Frame Shed, Average Pricing, Built 2016

Permits

Permit #	Date	Description	Amount
5964	06/23/2015	Addition	200,000

Valuation

	2023	2022	2021	2020	2019
Classification	Residential	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$43,000	\$43,000	\$43,000	\$35,950	\$35,950
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$562,000	\$323,120	\$323,120	\$296,160	\$296,160
= Gross Assessed Value	\$605,000	\$366,120	\$366,120	\$332,110	\$332,110
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$605,000	\$366,120	\$366,120	\$332,110	\$332,110

Sioux City Special Assessments and Fees

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

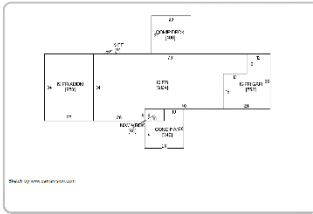
Woodbury County Tax Credit Applications

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

Photos



Sketches



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



[User Privacy Policy](#) [GDPR Privacy Notice](#)
 Last Data Upload: 7/5/2023, 7:16:52 PM

SOIL REPORT

Summary

Parcel ID	864626400009	
Gross Acres	32.49	
ROW Acres	0.00	
Gross Taxable Acres	32.49	
Exempt Acres	0.00	
Net Taxable Acres	32.49	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	63.29	(2056.31 CSR2 Points / 32.49 Gross Taxable Acres)

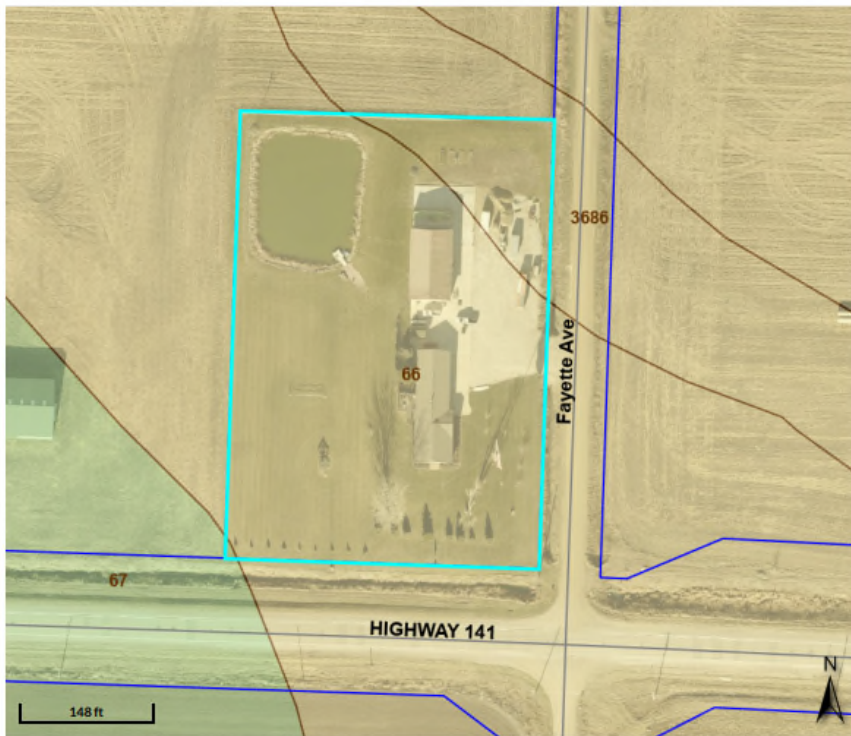
Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	29.82	62.58	1,866.23	1,866.23
Non-Crop	2.67	71.19	190.08	110.67
Total	32.49		2,056.31	1,976.90

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	67	WOODBURY SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	74.00	7.51	555.74	555.74
100% Value	66	LUTON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	59.00	21.15	1,247.85	1,247.85
100% Value	3686	NAPA-LUTON-TIEVILLE SILTY CLAYS, 0 TO 2 PERCENT SLOPES, RARE	54.00	1.16	62.64	62.64
Non-Crop	67	WOODBURY SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	74.00	2.17	160.58	91.53
Non-Crop	66	LUTON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	59.00	0.50	29.50	19.14
Total				32.49	2,056.31	1,976.90



Overview



Legend

- Roads
- Soils**
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID 864626400009 Alternate ID 700216 Owner Address WALKER WILLIAM KYLE & ALANA R
 Sec/Twp/Rng n/a Class R 3281 FAYETTE AVE
 Property Address 3281 FAYETTE SLOAN, IA 51055
 District 0046
 Acreage 3.68

Brief Tax Description SLOAN TOWNSHIP A TCT IN SE SE OF 26-86-46 DESCRIBED AS BEG AT SE COR OF SEC 26 THNC N 66' TO POB; THNC W 368.01; THNC N 476.99; THNC E 368.01; THNC S 478.95' TO POB

(Note: Not to be used on legal documents)

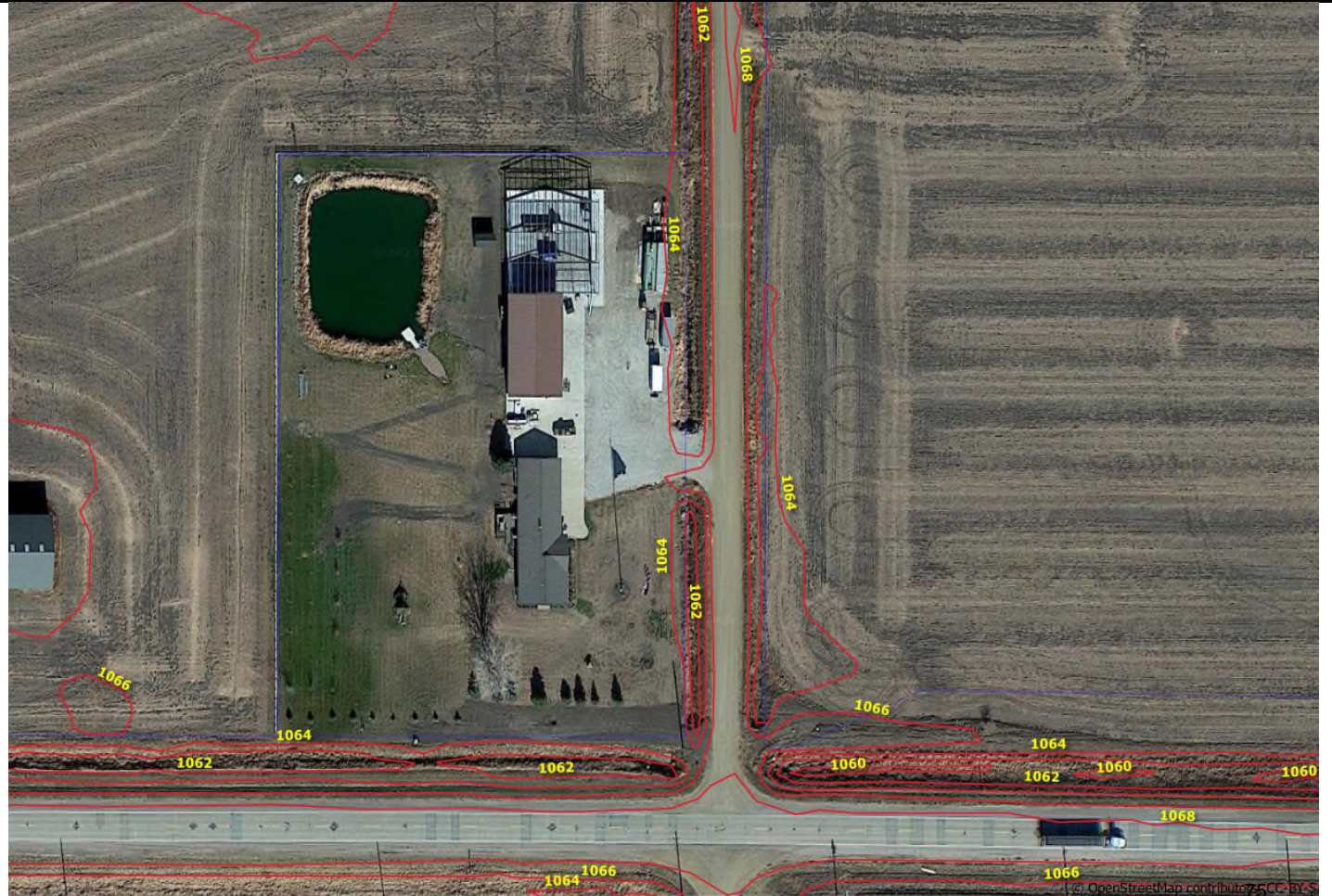
Date created: 7/6/2023
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Developed by Schneider GEOSPATIAL

ZONING MAP



ELEVATION MAP



EFFECTIVE FLOODPLAIN MAP



DRAFT FLOODPLAIN MAP



BOARD OF ADJUSTMENT MEETING TIME AND LOCATION AMENDMENT TO RULES OF PROCEDURE

Discussion:

- Consider moving the meeting of the Board of Adjustment's date, time, and/or location by amending the Rules of Procedure.

- Meeting time to 5:00 PM.

At the June 5 and July 3 meetings of the Board of Adjustment, members were asked (during information items) to consider moving the meeting time up to 5:00 PM to possibly reduce the costs to provide security. At both meetings, the members appeared to have decided that an earlier start time would adversely impact having full participation from the five (5) member board. As a result, there appeared to be a consensus for the meeting day, time, and location to remain the same.

Possible Action:

- A motion and/or second could be made for the Board of Adjustment to leave the schedule as is with no recommended changes to the Rules of Procedure.

- A motion and/or second could be made for the Board of Adjustment to move the meeting time up to 5:00 PM by amending the Rules of Procedure.
 - o In particular, this would require a motion to amend Article IV, Section 2. Regular Meetings to read:
 - The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at **5pm** 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.

**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 _____ and are hereby adopted by the Woodbury County Board of Adjustment.

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 5pm 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.

DATE ADOPTED

CHAIRPERSON

ATTESTOR

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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

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6/6/22

 DATE ADOPTED


 ATTESTOR



 CHAIRPERSON