

Minutes - Woodbury County Zoning Commission – September 25, 2023

The Zoning Commission (ZC) meeting convened on Monday, September 25 at 5:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O'Tool, Tom Bride, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Greg Jochum, Gwen Brunk, Roger Brunk, Russell Petersen, Tom Jochum, Brian Jochum, Leo Jochum, Blair Ulery, Jarrod Ulery, Bill Jochum, Tony Ashley, Dan Bittinger, Alan Fagan, Rebekah Moerer, Elizabeth Widman, Deb Harpenau, Kevin Alons, Jenny Barber, Rex Barber, Jesus Cendejas, Peter Widman, Sophia Widman, Emily Segura, Ann Johnston
Telephone: Will Dougherty

Call to Order

Chair Chris Zant formally called the meeting to order at 5:04 PM. All five (5) Commissioners were present.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – September 11, 2023

Meister motioned. Second: O'Tool. Motion carried: 5-0.

Public Hearing: Townley Addition, Minor Subdivision Proposal on Parcel #894607100007

Priestley read the preliminary report into the record. Donald J Townley, in his capacity as Trustee of the Derrill J. Townley Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100007. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legal section on September 14, 2023. The neighbors within 1000 FT have been duly notified via a September 11, 2023 letter about the September 25, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA) – Zone A. The City of Sioux City conducted extraterritorial review with the acceptance and approval of the final plat with the approval of Resolution No. 2023-0696. The area of the subdivision is less than 5 acres and Base Flood Elevation (BFE) data is not required. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Engineer recommended an easement which was prepared. Motion to close public hearing: Bride. Second: O'Tool. Carried: 5-0. Motion to recommend approval to the Board of Supervisors as proposed: O'Tool. Second: Bride. Motion carried: 5-0.

Review of Conditional Use Permit Application: Proposed Telecommunication Tower 120 FT Monopole on Parcel #874316300005

Priestley read the preliminary report into the record. AGM Technology Investment Group DBA Nextlink have filed a conditional use permit application to request to install a 120-monopole communication tower to supply high speed internet to surrounding areas on the property designated as Parcel #874316300005. The proposed location is around 2.5 miles south of Anthon and about 4.2 miles northeast of Oto. This proposal has been noticed in the Sioux City Journals legal section on September 14, 2023. The neighbors within one (1) mile were duly notified via a September 13, 2023 letter about the October 2, 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. 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. Motion to recommend the proposal to Board of Adjustment: O'Tool. Second: Parker. Motion carried 5-0.

Public Hearing: Solar Energy – Utility-Scale Solar Systems – Consideration of Solar Ordinances for Recommendations(s) to the Board of Supervisors

Priestley summarized the utility-scale solar energy system process including eight topics to be discussed at this meeting. The Woodbury County Zoning Commission has been directed by the Board of Supervisors on August 8, 2023 to establish/examine a new ordinance as it relates to utility-scale solar systems. The purpose of this public hearing is to receive comments from the public about a potential ordinance that could facilitate the permitting of utility solar in the Agricultural Preservation (AP) Zoning District in addition to the General Industrial Zoning District. The Zoning Commission held their first public hearing at the Merville Area Community Center on September 11, 2023. The Board of Supervisors have indicated, through their direction on August 8, that "if the county was to engage in utility-scale solar, at a minimum, the county should consider this only if the following is met":

- A conditional use permit for AP “C” with Planning and Zoning and Board of Adjustment to be able to site-specifically take into consideration the concerns of neighbors, land/soil, and other factors when approving permit.
- A slope of no more than 5% in order to preserve the land and to account for soil erosion, compaction, and future land stewardship.
- A maximum height of no more than 20’ for panel structures.
- Of all AP, no more than 49% can be in such a project. In short, 51% must be for agricultural production or no longer considered “AP”.
- Utility solar can be no more than 2% of all AP “agricultural preservation,” preserving 98% of AP. This equates to approximately 8,540 acres of the 427,000 acres of ag land, ag land constituting 75% of the 570,000 total acres in Woodbury County.
- Current notification for utility-scale solar shall be 1 mile for public comment instead of 500 feet.
- A requirement(or at least strong consideration) that the utility-scale solar project either be on a landowner’s property or that the owner of the land be a resident of Woodbury County.

Priestley also informed the Commission and the public that the Board of Supervisors have an agenda item for their September 26, 2023 meeting that may update the previous direction. The potential new direction would include the following:

- A conditional use permit for AP “C” with Planning and Zoning and the Board of Adjustment to be able to site-specifically take into consideration the concerns of neighbors, land/soil, and other factors when approving permit.
- A slope of no more than 5% ONLY for fixed arrays (most technology is now movable arrays) in order to preserve the land and to account for soil erosion, compaction, and future land stewardship.
- No more than 1% of industrial land conversion every 4 years for reclassification, roughly 5,700 acres.
- Current notification for utility-scale solar shall be 1 mile for public comment instead of 500 feet.
- A decommissioning plan from solar companies reviewed by P&Z/BOA subject to approval by the Woodbury County Board of Supervisors.

Matt Countryman (Renewable Energy Equity Partners) addressed the Commission regarding the importance of mitigation and ag restoration of land, and support of an overlay district.

Deb Harpenau (Salix) addressed the Commission supporting utility solar as a clean source of electrical generation.

Wally Wagner (Salix) addressed the Commission about progress, and change he has seen regarding his land, and types of land that would not be good for solar.

Jerrod Ulery (Ulery Energy) addressed the Commission supporting solar energy.

Kevin Alons (Salix) addressed the Commission regarding the use of solar on agricultural land as not an ag use, heavily subsidized, and questioned revenue for county.

Rebecca Moerer (Sioux City) addressed the Commission about not supporting solar in agriculture areas as it disturbs wildlife, and questions whether revenue would go.

Jesus Cendejas (Salix) addressed the Commission expressing concern for landowner stewardship, land depreciation, and impact of solar on neighbors.

Elizabeth Widman (Sergeant Bluff) addressed the Commission offering environmental concerns, impact on neighbors, glare, and noise issues.

Leo Jochum (Salix) addressed the Commission in favor of utility solar indicating that solar can co-exist with reasonable setbacks.

Ann Johnston (Salix) addressed the Commission opposing utility solar and questioning its recyclability

Will Dougherty (MidAmerican Energy) addressed the Commission indicating that there is not a one size fits all approach, plans could be put in place for decommissioning, buffers, and screening.

Leo Jochum submitted information sheet to Commissioners. Motion to accept: O’Tool. Second: Parker. Carried: 5-0. See received content beginning on Page 4 of the minutes.

Priestley presented photo of the utility solar system abutting Port Neal Road. He also should example photos of agrisolar or agrivoltaics.

Priestley provided a range of topics as an overview for a potential ordinance including: appropriate locations; ordinance type(s); process type(s); information collection; permitting requirements; and definitions. Priestley also discussed the concept of an “overlay district” which could be used in conjunction with the existing underlying zoning district. In particular, an overlay district is not intended to be a free-standing zoning district. It is applied to the

project area or footprint via the Zoning Ordinance Map Amendment (rezone) process. Specific standards or requirements can be directly tied to the overlay district. Thus, it is possible to create a series of requirements in which a proposed location would have to be met in order to be considered for the rezone to the overlay district. Therefore, as a hypothetical, the Zoning Commission and Board of Supervisors could consider a Zoning Ordinance Map Amendment (rezone) application to the Utility-Scale Solar Energy Systems Overlay District following the procedures set out in the Ordinance. This overlay could be applied over Agricultural Preservation (AP) zoned land while retaining its base uses. Once, the overlay district has been applied, conditional use permit application could be considered for the footprint of that area by going through a review by the Zoning Commission and consideration of the permit by the Board of Adjustment.

Priestley suggested that the Commission schedule a work study public meeting where the public and commissioners can discuss issues and form a preliminary ordinance or amendments to present to the Board of Supervisors as a recommendation.

Daniel Segura (Sioux City) addressed the Commission questioning the effectiveness of the overlay district as an added step.

Priestley indicated that specific requirements or conditions can be added to the rezone consideration process.

Bride motioned to close public hearing. Second: Parker. Carried: 5-0.

Zellmer Zant stated different applications are considered through different processes. Priestley explained that the overlay district would use the rezone process which requires a public hearing before the Zoning Commission and up to three public hearings before the Board of Supervisors. The Zoning Commission would offer a recommendation to the Board of Supervisors who ultimately would decide the appropriateness of the location. The Conditional Use Permit process would require review by the Zoning Commission and approval by the Board of Adjustment. The Board of Supervisors would be involved with special agreements such as road use and decommissioning. In terms of preparing an ordinance, both the rezone and conditional use processes will need to be defined including the approval/disapproval requirements for both.

Public Comment on Matters not on the Agenda

None

Staff Update

There will be a Board of Adjustment meeting on October 2, 2023 in the basement meeting room of the courthouse. The topic of solar will be shared with the Board only as an information item. The Board of Adjustment does not have a role as to the creation of new ordinances. The Zoning Commission formulates recommendations that are considered by the Board of Supervisors.

Adjourn

Motion by O'Tool to adjourn; Second by Meister. Carried: 5-0. Adjourned: 7:50 p.m.

RECEIVED FROM LEO JOCHUM (SALIX) – 6 PAGES

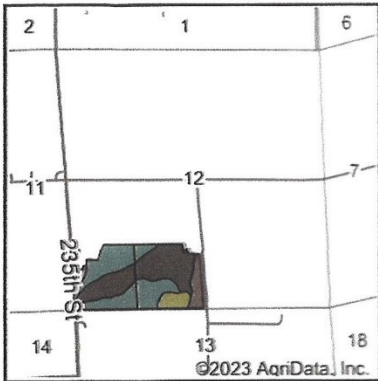
The first sheet is three farms located north of CF industries in the GI zone. Notice the CSR1 is 58 to 60, CSR 2 is around 10 to 12 points higher. This will be consistent throughout the higher quality soil in this area.

The left side of the next sheet shows where the Mid-America solar project is located with a CSR 1&2 of 61.9 and 71.1 respectively

The right side of the page shows over 600 acres between hiway 75 and Interstate 29 with very high CSR1 and CSR2. The farms on these two sheets are within a large area which spans about six miles from east to west and are very consistent in quality. The land being discussed for solar is East of this area which has heavier soils and lower elevation.

The last three sheets represent farms located North and East of Salix that have CSR 1 ratings in the mid 40s with the exception of one. However the CSR2 increases by 30 plus points. The CSR1 rating is more relevant for land quality in that area because CSR2 has removed the rainfall factor. For this reason I don't think CSR should be considered for conditional use.

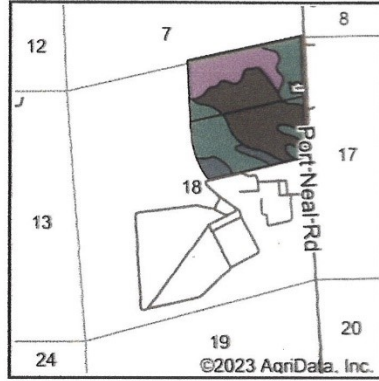
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State: **Iowa**
 County: **Woodbury**
 Location: **12-87N-48W**
 Township: **Liberty**
 Acres: **72.02**
 Date: **9/18/2023**



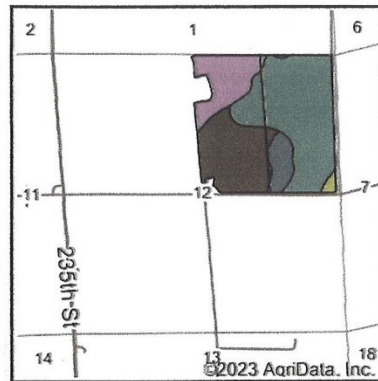
Maps Provided By:



State: **Iowa**
 County: **Woodbury**
 Location: **18-87N-47W**
 Township: **Liberty**
 Acres: **150.28**
 Date: **9/18/2023**



Maps Provided By:



State: **Iowa**
 County: **Woodbury**
 Location: **12-87N-48W**
 Township: **Liberty**
 Acres: **150.89**
 Date: **9/18/2023**



Maps Provided By:



Irr Class	Irr Class *c	CSR2**	CSR	*n NCCPI
Iw	Iw	77	63	
IIw	IIw	72	57	
Is	Is	72	65	
IIw	IIw	45	51	
IIIw		58	51	
IIs		46	44	
1.44	*-	70.7	60	

Irr Class	Irr Class *c	CSR2**	CSR	*n NCCPI
Iw	Iw	77	63	
Is	Is	72	65	
IIIs		49	33	
Iw		89	74	
1.42	*-	70.2	58.1	

Non-Irr Class	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
Is	Is	72	65	80
Iw	Iw	77	63	58
IIIs		49	33	37
Iw	Iw	91	70	74
IVw		5	37	2
1.36	*-	70.1	59.2	*n 65.7

Nid America Solar Farm



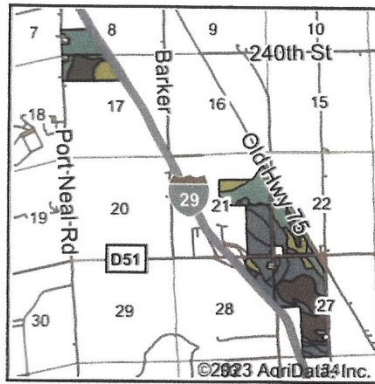
State: **Iowa**
 County: **Woodbury**
 Location: **18-87N-47W**
 Township: **Liberty**
 Acres: **123.17**
 Date: **9/18/2023**



Maps Provided By:



Legend	Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
	Is	Is	72	65	80
	Iw	Iw	77	63	58
	Illw		58	51	49
Age	1.35	*-	71.1	61.9	*n 67.7



State: **Iowa**
 County: **Woodbury**
 Location: **21-87N-47W**
 Township: **Liberty**
 Acres: **646.76**
 Date: **9/18/2023**



Maps Provided By:



Legend	Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
	Iw	Iw	77	63	58
	Is	Is	72	65	80
	Iw	Iw	94	79	83
	Illw		86	65	60
	Illw		58	51	49
	Illw		81	47	52
	Iw		89	84	75
	Ilw	Ilw	72	57	50
	Ilw	Ilw	74	65	61
	Iw	Iw	91	70	74
			5	5	
	Iw		89	74	71
	*-	*-	77.8	64.5	*n 66



State: Iowa
 County: Woodbury
 Location: 36-87N-47W
 Township: Liberty
 Acres: 75.03
 Date: 5/22/2023



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	Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
		llw	86	65	60
		lllw	81	47	52
		lllw	67	42	51
		lw	77	63	58
		lw	94	79	83
average	2.27	*	82.5	57.9	*n 58



State: Iowa
 County: Woodbury
 Location: 31-87N-46W
 Township: Grange
 Acres: 153.97
 Date: 4/27/2023



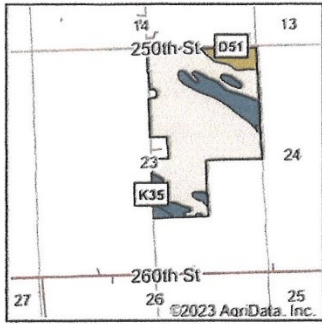
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Legend	Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
		lllw	81	47	52
		lllw	67	42	51
average	3.00	*	81	47	*n 52

Similar to the original CSR, the CSR2 assumes a SMU is adequately managed, artificially drained where required, and there is no land leveling or terracing. A major difference between the CSR and the CSR2 is the CSR included a rainfall correction factor where the CSR2 does not.

One of the key differences between CSR and CSR2 will be the climate factor. CSR2 will not have a climate factor in its calculations. In the original CSR values, soil scientists made an adjustment based on the geographic region of a soil map unit (SMU). For example, SMUs in Northwest Iowa were adjusted downward more than SMUs in Southeast Iowa. Without a climate adjustment, CSR2 values will have an upward bias in counties located in Northwest Iowa.



State: Iowa
 County: Woodbury
 Location: 23-87N-47W
 Township: Liberty
 Acres: 187.71
 Date: 4/26/2023



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Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans	
	lllw	lllw	67	42	51
	lw	lw	91	70	74
	lllw		58	51	49
	lllw		81	47	52
	lw	lw	77	63	58
Age	2.75	*	69.9	46.2	*n 53.8



State: Iowa
 County: Woodbury
 Location: 14-87N-47W
 Township: Liberty
 Acres: 140.07
 Date: 4/26/2023

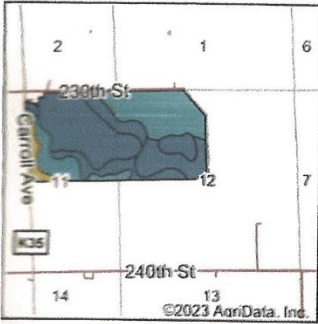


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SR2 Legend	Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans	
		lllw		58	51	49
		lllw	lllw	67	42	51
		lllw		84	63	55
Age Average	2.87	*	65.2	48.7	*n 50.6	

3.



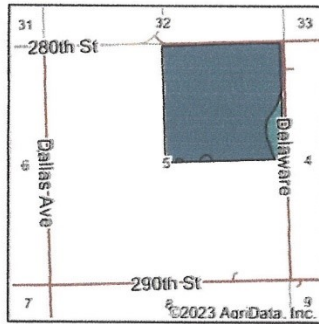
State: Iowa
 County: Woodbury
 Location: 12-87N-47W
 Township: Liberty
 Acres: 306.46
 Date: 4/26/2023



Map Provided By:



Non-Irr Class *c	Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
	llw	74	51	52
	lw	94	79	83
	llw	84	63	55
	lw	89	74	71
	llw	59	37	49
1.95	*	83.2	64.2	*n 64.9



State: Iowa
 County: Woodbury
 Location: 5-86N-46W
 Township: Sloan
 Acres: 153.5
 Date: 4/26/2023



Map Provided By:



CSR2 Legend	Non-Irr Class *c	CSR2**	CSR	*n NCCPI Soybeans
2%	llw	81	47	52
2%	llw	74	51	52
5%	lw	89	74	71
Weighted Average		2.99	80.7	47.4
				*n 52.1