

Minutes - Woodbury County Zoning Commission Meeting – October 23, 2023

The Zoning Commission (ZC) meeting convened on Monday, 23rd of September, 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, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Leo Jochum, Bev Jochum, Dan Bittinger, Ann Johnston, Daniel Segura, Elizabeth Widman, Emily Segura, Bob Fritzmeier, Roger & Gwen Burnett, Elizabeth Cindy Haase, Russell Petersen, Hope Lynam
Telephone: Chad Swanger

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission YouTube channel: <https://www.youtube.com/watch?v=qNpK3atf1k0>

Call to Order

Chair Chris Zant formally called the meeting to order at 5:08 PM. Tom Bride was absent.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – September 25, 2023 and October 16, 2023

O'Tool motioned. Second: Meister. Motion carried: 4-0.

Public Hearing: Back Acre Estates, Second Filing, Minor Subdivision Proposal on Parcel #884702200009

Priestley read the preliminary report and staff recommendation into the record. Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009. 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 legals section on October 10, 2023. The neighbors within 1000 FT have been duly notified via an October 6, 2023 letter about the October 23, 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 NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the file plat with the approval of Sioux City council resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Owner has signed a pavement agreement which will be recorded with the final plat. O'Tool motioned to close public hearing. Second: Meister. Motion carried: 4-0. Motion to recommend acceptance and approval to Board of Supervisors by Meister. Second: Parker. Carried: 4-0. Item will be presented to the Board of Supervisors on October 31, 2023.

Public Hearing: Grays First Addition, Minor Subdivision Proposal on Parcel #884209200009

Priestley read the preliminary report and staff recommendation into the record. Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009. 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 legals section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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. However, there is a rounding error on the plat that must be corrected prior to recording. Priestley confirmed that the rounding error has been corrected and shared with the County Engineer who concurred. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the special Flood Hazard Area (SFHA). Exterritorial review is not required by a city as the property is further than two (2) miles from the closet incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to close public hearing: Meister. Second: O'Tool. Carried: 4-0. Parker inquired about a pavement agreement. Priestley indicated that pavement agreements are required when referenced/requested by the County Engineer. Zant asked about the well and septic location and Priestley indicated that the well and septic were on the lot. Motion to recommend acceptance and approval to the Board of Supervisors by Meister. Second: Parker. Carried: 4-0.

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

Priestley summarized the purpose of the public hearing. 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 the public hearing is to receive comments and put together a proposal as a possible ordinance or amendments for

solar energy systems not limited to utility-scale systems, agrisolar or agrivoltaics, and community solar systems, together with the Commission addressing the permitting process for such systems in industrial and/or agricultural areas. The Zoning Commission held their first public hearing at the Moville Area Community Center on September 11, 2023. The second was held in the basement of the Woodbury County Courthouse on September 25, 2023. Both public hearings included constituents who offered comments both in support and opposition to the expansion of utility-scale solar in the Agricultural Preservation (AP) Zoning District. Audio of meetings may be accessed for review by visiting the Woodbury County Zoning Commission "Committee" page on the Woodbury County website at: www.woodburycountyiowa.gov. The Zoning Commission conducted a work session on October 16, 2023 to discuss the considerations for an ordinance. The audio for this meeting may be obtained by using the following link: <https://www.youtube.com/watch?v=1JAj6Xh3cSU> or <https://tinyurl.com/Zoning101623>

Emily Segura (Sioux City) addressed the ZC about the impact of utility-scale solar on area farmland. She discussed the importance of taking care of the land and questioned the disposal and the economics of sending the panels to the dump. Segura recommended for the ZC to read the article "The Dark Side of Solar Power" by Atalay Atasu, Serasu Duran, and Luk N. Van Wassenhove from the Harvard Business Review which discusses a number of topics including the high cost of solar trash and disposal. She offered concerns about the emittance of toxic waste from the decommissioned panels.

Ann Johnston (Salix) addressed the ZC with concerns about slave labor groups in foreign countries such as the Uyghurs in China who are part of the supply chains that make up 95% of the solar panels worldwide. She referenced that much emphasis has been placed on Scott and Linn Counties but not enough on the western counties in Iowa. Johnston indicated that Sioux County is under a moratorium from solar renewables.

Elizabeth Widman (Sergeant Bluff) addressed the ZC indicating that two of the Board of Supervisors voted against putting solar on ag protected land. She asserted this is not a mandate from the board to ensure solar encroaches on ag land. Putting solar on ag land fundamentally changes the ag protected areas and should only be put in industrial zones. MidAmerica's largest Iowa project is 800 acres but they stated they do not have immediate plans to locate solar in Woodbury County. Widman indicated that the farming between solar panels is experimental and not done in America. MidAmerica stated that cattle grazing underneath solar panels would not work because they would rub against the panels and knock them down. Grass planted underneath would not help wildlife because fences need to be around these areas to protect the public. Widman questioned Daniel Priestley's comment at the previous work session that if applicants were to apply to the county to establish utility-solar they would have to be forthright in the application. However, at the public meetings it has not been mentioned that the pro-solar speakers have already signed contracts with an outside company, and we should be told who the company is. If you add up the acres in the plat book owned by these individuals in my area, it comes out to 2,600 acres or 4 square miles in comparison to the City of Sergeant Bluff which is only 2.11 square miles. All the remaining cities in Woodbury are less than one square mile. Four square miles is about the size of 1,936 football fields. Widman indicated that contracts are for 30 years. If these are the same, she will be 97 years old before the possibility of decommissioning them back to solar and her family will grow up to not see agriculture land. Widman asserted that utility-solar is not agriculture. Widman referenced a 3,000 acre solar project near Rock Branch that will be near her ground. She stated that agricultural preservation is meant to preserve agriculture. Widman asserted these utility-scale solar facilities belong on industrial land.

Elizabeth Cindy Haase (Salix) addressed the ZC offering concerns about the radiation caused by solar panels. She indicated that the electronic magnetic sensitivity causing, headaches, dizziness, nausea, cancer risk has been reported by people who reside close to solar systems.

Motion to close public hearing: Parker. Second: O'Tool. Carried: 4-0.

Zant commented there have been great comments from both sides, wants verification on some facts, Commission will work on collecting and reviewing more information. O'Tool appreciates feedback, good to hear all sides.

No Public Comment on Matters Not on the Agenda

Commissioner Comment of Inquiry

Due to harvest, O'Tool suggested waiting until regular November 27th meeting instead of scheduling a work session, all present commissioners agreed.

Staff Update

Priestley noted subdivisions recommended tonight will be presented to the Board of Supervisors on Oct 31, 2023. Woodbury County Community and Economic Development will be hosting the COZO conference in May of 2024.

Adjourn

Motion to adjourn: Meister. Second: O'Tool. Carried: 4-0.