

Minutes - Woodbury County Zoning Commission Special Meeting – October 5, 2022

The Zoning Commission (ZC) meeting convened on the 5th of October at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Deb Main, Gayle Palmquist

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 – August 22, 2022

O'Tool motioned. Second: Parker 5-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) From AP To GC Proposal – Midwest Auto Properties, LLC (Curtis Epling) – Parcel #884701200009

Priestley read the preliminary report and staff recommendation into the record. Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone), for the parcel from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022 no comments or inquires have been receive about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended a pavement agreement be signed as the rezone has the potential to generate traffic and the parcel owner should participate in the cost of any future pavement to meet the needs of traffic at the new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information receive and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. Deb Main asked how close this parcel was from the proposed pipeline. Bride stated this action pertains to a rezone of the property. Current owners are not selling the property. Motion to close public hearing: Bride. Second: O'Tool. Motion approved 5-0. Priestley offered an explanation as to how staff can enforce the floodplain regulations to address the concerns by Neil Stockfleth of the Woodbury County Soil and Water Conservation District. Although the applicant is not present at this public hearing, Priestley has had conversations with the applicant and his surveyor, and they are aware of the need to determine Base Flood Elevation (BFE) as part of meeting the floodplain development regulations. O'Tool recommended approval of zoning rezone request by Midwest Auto Properties, LLC from AP to GC with the conditions that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and requirement for an approved floodplain development permit. Second: Bride. Motion approved 5-0.

Information/Discussion: Zoning Requirements Concerning the Permitting of Hazardous Liquid Pipelines including the Conditional Use Permit Requirements in the Zoning Ordinance and Possible Ordinances or Ordinance Amendments

Priestley offered information about recent proposals to consider amendments for the permitting of hazardous liquid pipelines. Three possible options include continuing with the existing zoning ordinance language for a conditional use permit, adopting an amendment to the zoning ordinance to include additional criteria for consideration, and adopting a standalone ordinance where the Board of Supervisors become the permitting body. Staff has recently met with the county attorney's office and county engineer to review the proposal. Community and Economic Development staff had recommended using the existing ordinance criteria and recommending that the Board of Supervisors consider passing a resolution asking for the Zoning Commission and Board of Adjustment to ask for further information to assist with the clarification of the conditional use permit criteria. Priestley informed the commissioners that Supervisor Radig has requested for the consideration of a proposal to institute 500 FT setbacks from the pipeline. Deb Main and Gayle Palmquist addressed the board by offering concerns about the effects of

hazardous liquid pipelines. They encouraged the county to use their regulatory authority to pass an ordinance to regulate pipelines.

Information/Discussion: Permitting of RAGBRAI Special Events for the Sales of Food, Beverages (With and Without Alcohol), Good and Services, When RAGBRAI Selects Woodbury County as a Location for the Annual Event.

Priestley presented a proposed Zoning Ordinance Text Amendment to allow for the sales of food, beverages, goods, and services when RAGBRAI selects Woodbury County as a location for their annual event. The proposal includes a temporary use provision and a Conditional Use Permit option if there is a desire to sell alcohol products. The temporary use provision allows for the sales of food, beverages (with no alcohol), goods, and services. A conditional use permit would be required if there is a desire to sell alcohol products.

Information/Discussion: Permitting of Special Events

Priestley offered information about the possible permitting of events other than RAGBRAI. He noted the concerns that the Zoning Commission had referenced at the August 22, 2022 meeting. After discussions with the County Attorney's office, there were concerns about a general special events category and the possible impacts to other uses. Thus, the RAGBRAI proposal was developed to specifically address the challenges of selling goods and services in the unincorporated area of Woodbury County during the 2022 RAGBRAI event.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

Priestley indicated that the public meeting attendance for Comp Plan 2040 has been low and public input is important for the future development of Woodbury County. Priestley stated that the Board of Supervisor meetings are also an important tool for public input and awareness of issues involving the County. Meeting schedules and agendas are posted on the Woodbury County website.

Adjourn

Motion by O'Tool. Second: Meister. 5-0. The meeting adjourned at 7:50 PM.