

# Minutes - Woodbury County Board of Adjustment Meeting – July 6, 2021

The Board of Adjustment meeting convened on the 6th of July 2021 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 : Tom Thiesen, Bob Brouillette, Pamela Clark, Daniel Hair  
County Staff Present: David Gleiser, Dan Priestley  
Public Present: Bill Holland, Chris Larson

## Call to Order

Chair Tom Thiesen formally called the meeting to order at 6:00 PM.

## Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

## Approval of Minutes

The June 7, 2021 minutes were approved. Motion by Brouillette to approve; second by Hair. Motion passed 4-0.

## Borrow Pit Conditional Use Permit Proposal (MidAmerican Energy)

Priestley presented the final report for MidAmerican Energy's application to "establish a temporary borrow pit to remove earthen material or resource extraction." This proposal is part of a multiyear project involving MidAmerican Energy's ash impoundment system. There are several phases of the project that commenced in 2015. On June 1, 2020, the Woodbury County Board of Adjustment approved a conditional use permit for a temporary borrow pit on Parcel #874730200005. Similar to the 2020 proposal, this request is for the property located on Parcel #874731100008 in the NE of Section 31 on Government Lot 1 in T87N R47W (Liberty Township). The property is located west of Port Neal Circle and located in the General (GI) Zoning District on the MidAmerican Energy grounds. A portion of the property is located in the floodplain (Zone AE). However, the borrow area is not in the floodplain. Brouillette inquired about the conditions of the previous year's proposal. Priestley indicated that staff follows and recommends county engineer's comments. After review of this proposal, no conditions were recommended by the county engineer. Bill Holland of JB Holland, contractor for MidAmerican, discussed their plan for completion of the borrow pit including the planting of seed and possible water ponding. A motion was made by Brouillette to close the public hearing; second by Thiesen. Motion passed 4-0.

## Variance Request Corner Side Yard Setback Reduction (NIPCO)

Priestley presented the final report for Northwest Iowa Power Cooperative's request to reduce the Limited Industrial (LI) corner side yard setback of 50 FT, as required in the Zoning District Dimensional Standards of the Woodbury County Zoning Ordinance (Section 3.04), to 15 FT from the north lot line or right-of-way line to facilitate the expansion of their electrical substation with the installation of a new battery system on the property designated as Parcel #884604200007 and located in the NE ¼ of the NE ¼ of Section 4, T88N R46W (Floyd Township). This is the corner side yard setback that abuts US Highway 20. The property is not located in the floodplain. Priestley indicated that stakeholders including the Iowa Department of Transportation (IDOT) were reached out to for comments. Kelly Mulvihill, Utility Coordinator for the District 3 Office, stated that "at times with multiple utility installation present, we will purchase an additional 15' for a utility corridor. Without a crystal ball it is hard to exactly determine ROW needs. I feel the 15' offset from existing ROW should be a safe distance with the existing geometry of the roadway adjacent to the substation. If you have room to add an additional foot or two, it may be advisable." Priestley clarified the comments offered by Mark Nahra as he was informed of IDOT's determination. Chris Larson of NIPCO, discussed the project including the location of the battery. Hair inquired about the length of time in which the battery would be in service. Larson replied 15 to 20 years. A motion was made by Brouillette to close the public hearing; second by Hair. Motion passed 4-0. A motion was made by Brouillette to allow the Northwest Iowa Power Cooperative (NIPCO) to reduce the required corner side yard setback from 50 FT to 15 FT on Parcel #884604200007; second by Hair. Motion passed 4-0.

## Public Comment on Matters Not on the Agenda

None

## Commissioner Comment or Inquiry

Brouillette inquired about the commercial wind energy proposal currently going through the Board of Supervisors meeting including the Loess Hills Overlay. Priestley indicated that the version of the ordinance that was presented to the Zoning Commission and Board of Adjustment was presented to the Board of Supervisors. The possibility of referencing the Loess Hills began at the Board of Supervisors level.

## Adjourn

Hair made a motion to adjourn the meeting; second by Brouillette. Motion passed 4-0.