

Minutes - Woodbury County Zoning Commission Meeting – November 22, 2021

The Zoning Commission (ZC) meeting convened on the 22th of November 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Barb Parker, Corey Meister, Jeffrey O'Tool
County Staff Present: David Gleiser, Dan Priestley
Public Present: Alan Fagan, Brenton Feuchtenberger, Dean Kruse

Call to Order

Barb Parker formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 9/27/21 minutes were approved. Motion to approve: O'Tool. Second: Meister. Motion approved 3-0.

Public Hearing: Homestead 1867 Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. John Weaver and Brian Weaver have filed an application for a six-lot agricultural minor subdivision on the property including Parcels 884405200003, 884405200004, & 884405200001. The purpose is to divide the farm ground among the family and to establish separate parcels for the two farmhouses that presently reside on the same parcel. There is no expected development as Lots 1-4 will be for agricultural purposes while Lots 5-6 include the existing houses on independent lots. This proposal has been properly noticed in the Sioux City Journal Legals Section on November 10, 2021. The neighbors within 1000 FT have been duly notified via a November 4, 2021 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Significant comments included those from MidAmerican Energy who indicated that there are existing electrical lines within the subdivision and they will require that an easement is maintained. The Woodbury County Soil and Water Conservation District commented that erosion control and bank stabilization practices should be implemented if any construction takes place on Lots 1 and 2. They also stated that construction should be prohibited in the Wolf Creek floodplain. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Priestley indicated that the easement from MidAmerican is a prescriptive easement and the property owners should continue to follow it. He also stated that staff administratively regulates the floodplain. Priestley also addressed the easement for the access to the property which clarifies the continued agricultural use and access for the two single-family dwellings. He also stated that the property owners are required to acquire the Base Flood Elevation (BFE) data from the Iowa Department of Natural Resources, which has already been requested, and subsequently record the data in the Woodbury County Recorder's office within 120 days after the approval of the subdivision. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion to recommend approval of the Homestead 1867 Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 3-0.

Public Hearing: Whiskey Creek 170th Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Brenton Feuchtenberger has filed an application for a two-lot minor subdivision on the property identified as Parcel #884702400006. The purpose is to divide the parcel into two lots for the eventual sale of the lots. This proposal has been properly noticed in the Sioux City Journal Legals Section on November 13, 2021. The neighbors within 1000 FT have been duly notified via a November 10, 2021 letter about the November 22, 2021 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No significant comments of opposition were received. Extraterritorial review is to be completed by the Sioux City Zoning Commission on November 23, 2021 and the Sioux City Council on December 6, 2021. The city must complete their extraterritorial review before the Board of Supervisors can approve this subdivision. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Parker inquired about what would happen if the city found an issue with the plat after the Zoning Commission's approval. Director Gleiser indicated that the proposal would need to go back through the commission for another public hearing. Property owner Brenton Feuchtenberger indicated that the lots are being sold. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion to recommend approval of the Whiskey Creek 170th Addition to the Board of Supervisors: Parker. Second: O'Tool. Motion approved 3-0.

Review: Conditional Use Permit (Residential Solar Panels)

Priestley read the preliminary report and staff recommendation into the record. Dean A. Kruse has filed a conditional use permit application to request for the installation and use of solar panels on the roof of his single-family dwelling on the property (Parcel #864303300004). This proposal is properly set to go into the Sioux City Journal Legals Section on November 20, 2021 for the Board of Adjustment public hearing on December 6, 2021. The neighbors within 500 FT have been duly notified via a November 17, 2021 letter about the November 22, 2021 Zoning Commission review meeting and the December 6, 2021 Board of Adjustment public hearing and have been requested to comment. As of the printing of this packet, no comments have been received in opposition. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No major concerns were reported. This property is not located in the floodplain. Based on the information received and the requirements set forth in the Zoning Ordinance, this proposal meets appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Property owner Dean Kruse addressed the Zoning Commission and stated the purpose of the solar panels is to reduce his energy costs. Motion to recommend approval to the Board of Adjustment: Parker. Second: O'Tool. Motion approved 3-0.

Discussion/Action: Proposed Rules of Procedure for The Woodbury County Planning And Zoning Commission

Gleiser discussed the proposed rules of procedure which are allowed by the Zoning Ordinance. The rules are necessary if the commission were to hold electronic meetings. The assistant county attorney provided this proposed language based on the current Board of Supervisors' rules of procedure. Gleiser indicated that these rules codify the commission practices and add the ability to participate electronically for practical difficulties.

Discussion/Action: Proposed Zoning Ordinance Amendment Planning and Zoning Commission and Board of Adjustment (Sections 2.01.4 & 5).

Gleiser stated that the proposed amendment to the text of the zoning ordinance is to bring the ordinance up to date with current code based on eligibility changes made by the state in 2020. He indicated that the term limits portion was requested by one of the county supervisors. Dating back to 2020, the Board of Supervisors were informed of the law change and so the process of eligibility, recruitment, terms, etc. came up as part of the process. Other jurisdictions such as Sioux City include two terms. Gleiser indicated that the review process of the zoning ordinance text amendment is formally reviewed by the Zoning Commission and a recommendation is made to the Board of Supervisors who would hold up to three public readings/hearings. Gleiser asked the commission what their thoughts were about term limits. O'Tool inquired about how this would impact past service and suggested two complete terms to address issues with partial terms. Gleiser indicated that a disclaimer can be put in place that starts at the time of implementation. Pre-past service would not count. Presently it appears the practice has been for two terms at the Board of Adjustment with no limit at the Zoning Commission. Other issues such as attendance and gender balance were discussed.

Discussion: Solar Energy

Both commercial and residential solar use was discussed. Gleiser referenced an email that was sent to the Zoning Commission and Board of Adjustment concerning solar energy practices. He inquired if the commission had any recommendations about solar energy including stakeholder engagement, stakeholders from the public, etc. as the county will work toward preparing a solar ordinance. Gleiser indicated that a work group has been formed including the CED staff, assistant county attorney, the county engineer, conservation director, emergency services director, emergency management director, the assessor, and the finance director. He also indicated that staff contacted the cities concerning their solar ordinances and found that residential solar is a permitted accessory use in many of the cities including Sioux City. Some of the communities do not have solar in their zoning ordinances. Gleiser indicated that residential solar could fit as a permitted allowed accessory use while commercial large scale solar should require parameters such as road use agreements and decommission plans.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Motion to adjourn: O'Tool. Second: Meister. Motion passed: 3-0. Meeting adjourned at 7:07 PM.