

Minutes - Woodbury County Zoning Commission Meeting – August 22, 2022

The Zoning Commission (ZC) meeting convened on the 22nd of August 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: Tom Bride, Barb Parker, Jeff O'Tool

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Cathy Moore, Wil Forker

Telephone: Tim Rand

Call to Order

Vice-Chair Tom Bride formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – July 25, 2022

O'Tool motioned. Second: Parker 3-0.

Public Hearing: Roger E Rand Addition – Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Timothy E. Rand and Security National Bank as Personal Representative of the Estate of Roger E. Rand by Tammy L. Gagnon has filed for a one-lot minor subdivision including Parcels #864710200002 & #864710200007. The purpose is to reconfigure the lot to place the well and septic system on the same lot serving the house. The lot acres are proposed to be 2.31 acres. The west portion of Parcel #864710200007 that is not to be included in the subdivision will be required to be combined with the abutting Parcel #864710200006. This proposal has been properly noticed in the Sioux City Journal Legal Section on August 12, 2022. The neighbors within 1000 FT have been duly notified via an August 5, 2022 letter about the August 22, 2022 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 has adequate access to the road system. Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Salix on July 28, 2022. The property is not located in the floodplain. The proposed lot contains both the well and septic system. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of the staff to approve this proposal as proposed. Motion to close public hearing: Parker. Second: O'Tool. Motion approved 3-0. Motion to recommend approval of the Roger E. Rand Addition as proposed by O'Tool. Second: Parker. Motion approved 3-0.

Information/Discussion: Permitting Regulations for Temporary or Special Events

The Woodbury County Board of Supervisors has asked the Zoning Department to look into criteria to facilitate temporary or special event permits. Through his research, Priestley provided an example of the zoning ordinance Polk County uses. In their ordinance special events may include festivals, carnivals, circuses, outdoor religious meetings, rodeos, outdoor concerts, and special outdoor activities that are different from the primary use of the property. Included are both profit and non-profit groups for the sales of food, beverage, goods, and services. Neighborhood block parties shall not be considered within this category. The following is an example of a possible ordinance 1) Such events shall be limited to a total of twenty-one (21) days per year with no event exceeding fourteen (14) days in a given twelve (12) month period. 2) The access to the property shall be in accordance with established traffic standards. 3) Water and sanitary sewer (portable toilets may be permitted) must be supplied to the site, light, notice and dust from the activity shall be limited to the site. 4) All parking shall be limited to the site. 5) The event(s) shall provide appropriate measures to protect the attendees of the event(s). 6) The event(s) shall be reviewed by the Woodbury County Sheriff's Department. 7) Applicant shall provide security if required by Woodbury County Sheriff's Department. 8) If a Liquor License is needed, the event(s) organizers shall submit appropriate liquor license application only upon approval of all other items listed above or required by this ordinance. The liquor license shall be submitted in accordance with the Liquor License policy. Polk County's permitting is done with a Conditional Use permit. Woodbury County could implement a Conditional Use permitting process or a Special Use permit. Commissioners are asked to offer suggestions to be included in a possible ordinance. An update to the Table of Land Uses would be done as part of the ordinance changes.

Information/Discussion: Conditional Use Permit Zoning Exceptions and Administrative Zoning Exceptions

Priestley facilitated a discussion about conditional use permits and potential conditional use and administrative language to address zoning exceptions for practical difficulties. In comparison, variances are specifically intended to provide necessary relief from the requirements of the zoning provisions that would create unnecessary hardships

or practical difficulties. A conditional use exemption could possibly be used where a variance doesn't apply to address a practical difficulty standard. Priestley presented an adaption of Johnson County's ordinance - <https://www.johnsoncountyiowa.gov/pds/udo> as an example of a suggested ordinance modification. Under this language, the Woodbury County Zoning Commission would have the ability to review special exceptions to height, yard, or lot area regulations where there is an exceptional or unusual physical condition of a lot and the Board of Adjustment would have the ability to approve or deny such requests. The proposed language would empower the Board of Adjustment to grant special exceptions of no greater than fifty (50) percent of a usual requirement. The proposed language also empowers the Zoning Administrator to review an application and provide an exception no greater than ten (10) percent or reduce a required setback to less than five (5) feet.

Information/Discussion: Conditional Use Permit Application Process and Fee Schedule

Priestley provided a follow-up to previous discussions about the conditional use permit application process and revised fee schedule. On August 2, the Board of Supervisors updated the application fee schedule to include additional fees for the processing of meeting and legal notifications. These changes are due to rising costs associated with processing, printing, and mailing notifications of public hearings and will apply when the number of mailings required exceeds 30. Additional costs of newspaper legal publication notices over \$100.00 shall also be required from the applicants.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

Bride inquired about the setback increase proposal that is currently going through the amendment process through the Board of Supervisors. Priestley stated that the last of three public hearings will be held on August 23rd. Woodbury County Engineer Mark Nahra has looked at and presented the board with several distance studies. His recommendation would be a formula of turbine height x 3.5. The proposed increased setback distance of 2,500 feet being considered is from each residence to replace the current 1,250 feet.

Staff Update

None

Adjourn

Motion by O'Tool. Second: Parker. 3-0. The meeting adjourned at 6:38 PM.