

Minutes - Woodbury County Board of Adjustment Meeting – September 6, 2022

The Board of Adjustment meeting convened on the 6th of September 2022 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 : Bob Brouillette, Pam Clark, Daniel Hair, Tom Thiesen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: None

Call to Order

Chair Daniel Hair 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 6, 2022 minutes were approved. Motion by Clark to approve; second by Thiesen. Motion passed 4-0.

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. Board members are asked to offer suggestions to be included in a possible ordinance. An update to the Table of Land Uses would be done after the approval of 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 discussion of conditional use permit application process and revised fee schedule. The beginning of August the Board of Supervisors updated the application fee schedule for subdivisions, conditional use permits, cell phone towers and administrative requests and actions. 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 applicant.

Public Comment on Matters Not on the Agenda

None

Board Member Comment or Inquiry

Brouillette noted regular meetings have not been needed, indicating the zoning process is running efficiently.

Staff Update

Priestley mentioned the Board of Supervisors recent amendment to the wind ordinance setback rule after 3 weeks of public hearings and public comment. Brouillette asked status of the open position for Director of Community & Economic Development.

Adjourn

Motion by Brouillette to adjourn; second by Thiesen. Motion passed 4-0. Meeting concluded at 6:50 PM.