

## **Minutes - Woodbury County Zoning Commission Meeting – March 27, 2023**

The Zoning Commission (ZC) meeting convened on the 27th of March 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: Barb Parker, Corey Meister, Jeff O'Tool  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Dan Bittinger, Gayle Palmquist, Vicki Hulse, Jana Martens

### **Call to Order**

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

### **Public Comment on Matters Not on the Agenda**

Motion to accept a map submitted by Gayle Palmquist by O'Tool: Second by Meister (See Figure 1 - attached). Approved 3-0. Palmquist presented a map showing where possible pipelines would be located. Palmquist offered information on possible risks, safety concerns, and procedures for allowing CO2 pipelines in Woodbury County. Hulse and Martens offered their concerns about the pipeline and inquired about how the county will approach the issue and the conditional use process. Hulse encouraged participation in the April 7 public officials round table. Priestley explained the conditional use review process including the Zoning Commission review and the Board of Adjustment decision-making process as well as the public hearing process. Both boards must review the standards and conditions (criteria) of a conditional use permit in order to make a determination. Property owners within 500 FT are notified about the conditional use permit request with the dates and times of the meetings and public hearing. Each parcel where a CO2 pipeline may possibly pass through can be included in one application, but criteria items would be reviewed for each individual parcel. Priestley stated the current conditional use permit application process was put into place with the adoption of the Zoning Ordinance in 2008 which resulted from the 2005 development plan. Supervisor Bittinger addressed concerns of lawsuits in federal court challenging local governments' authority to regulate the pipelines. A public round table meeting will be hosted by the Woodbury County Supervisors on April 7. Neighboring county officials are invited to attend to discuss each county's strategies for permitting CO2 pipelines. The Woodbury County Board of Supervisors have drafted a letter to the Iowa Utilities Board and an agenda item is set for the March 28, 2023 to consider approval of the letter.

### **Approval of Previous Meeting Minutes – February 27, 2023**

O'Tool motioned. Second: Meister. Motion carried: 3-0.

### **Public Hearing: Kerr Addition, Minor Subdivision Proposal on Parcel #884735100002**

Priestley read the preliminary report and staff recommendation into the record for the proposed Kerr Addition. K&L Legacy Farms, LLC (Peter Kerr & Jean Kerr) have filed for a two (2) lot minor subdivision on the property identified as Parcel #884735100002. The proposal has been property noticed in the Sioux City Journal Legals Section on March 11, 2023. The neighbors within 1000 FT have been duly notified via a March 10, 2023 letter about the March 27, 2023. 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 lots have adequate access. Extraterritorial review, as required by Iowa Code 354.9, was waived by the City of Sergeant Bluff with the adoption of Resolution 23-06 on February 28, 2023. The property is located in the Special Flood Hazard Area (Zone A-Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval and is recommended by staff. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion by O'Tool to recommend approval of the Kerr Addition and forward to Board of Supervisors. Second: Meister. Motion carried 3-0.

### **Information/Discussion: Woodbury County Comprehensive Plan 2040 Update**

Priestley discussed the progress on the comprehensive plan. SIMPCO will hold an open house on April 26, 2023 from 5:00 PM to 6:30 PM to review the comp plan and to receive comments from the public.

### **Public Comment on Matters Not on the Agenda**

Palmquist stated an attorney does not feel a conditional use permit is the way to regulate CO2 pipelines. Supervisor Bittinger stated the Board of Supervisors are looking into ways to regulate pipelines while also avoiding costly lawsuits that other counties are dealing with. Hulse suggested preparing an ordinance and not signing it until decisions have been made on how to proceed.

### Commissioner Comment or Inquiry

None

### Staff Update

Iowa State University Extension and Outreach will provide a Zoning Training session on zoning April 27, 2023 at the Hilton Garden Inn. Board of Supervisors, Zoning Commission, and Board of Adjustment members are invited to attend.

### Adjourn

Motion by Meister. Second: O-Tool. Carried 3-0. The meeting adjourned at 6:53 PM.

### ATTACHMENT – FIGURE 1

