

Minutes - Woodbury County Zoning Commission Meeting – May 22, 2023

The Zoning Commission (ZC) meeting convened on the 22nd of May at 6:00 PM in the basement meeting room in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zant, Corey Meister, Jeff O'Tool, Tom Bride, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Gayle Palmquist, Tom Treharne, Leo Jochum, JP Baric, Jarrod Ulert, Lydia Gaunitz, Alan Fagan, Adam Larson, Corinne Erickson, Erin Berzina, Doyle Turner

Call to Order

Chair Chris Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – April 24, 2023

O'Tool motioned. Second: Bride. Motion carried: 5-0.

Public Hearing: Homestead 1867 Addition, Second Filing, Minor Subdivision Proposal on Parcel #884405200009

Priestley read the preliminary report and staff recommendation into the record. John Weaver and Brian Weaver have filed for a two (2) lot minor subdivision to be known as Homestead 1867 Addition, Second Filing on the property identified as Parcel #884405200009. This agricultural subdivision proposal has been properly notified in the Sioux City Journal Legals Section on May 12, 2023. The neighbors within 1000 FT have been duly notified via a May 5, 2023 letter about the May 22, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities and organization 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 the new lot has adequate access. The engineer recommends that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood (SFHA). Extraterritorial review is not required as the property exceeds two (2) miles from an incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets appropriate criteria for approval.

Motion to close public hearing: Parker. Second: Meister. Motion approved 5-0. Motion by O'Tool to recommend the approval of the Homestead 1867 Addition, Second Filing to the Board of Supervisors with the condition that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. Second: Parker. Motion carried 5-0.

Public Hearing: Public Hearing: Solar Energy Systems Amendments Proposal to Woodbury County Zoning Ordinance. Summary of Proposed Zoning Ordinance Text Amendments:

Priestly read into record the SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: *THE TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: SECTION 6.02 ENTITLED *DEFINITIONS*; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS. THE PROPOSAL IS TO ADD SOLAR ENERGY SYSTEMS (PRIVATE USE) AS ACCESSORY USES IN EACH ZONING DISTRICT AND TO ADD SOLAR ENERGY SYSTEMS (UTILITY SCALE) AS A CONDITIONAL USE IN THE AGRICULTURAL PRESERVATION ZONING DISTRICT AND THE GENERAL INDUSTRIAL ZONING DISTRICT.

Priestly explained Amendment #1 addresses and defines solar uses for private landowners. Solar array would be considered an accessory structure and could be permitted with issuance of building permit. Amendment #2 sets uses for commercial or utility scale arrays and would require a conditional use application. Amendment #3 addresses the redesign and renumbering of definitions of sections 6.01 and 6.02. Bride brought up net metering, where the electric company would roll back equal for extra energy produced, for benefit for private owners on only that parcel. Bride suggested sending proposal to County Attorney for rewriting the to include net metering for private use arrays, recommending restricting utility scale arrays from Loess Hills areas or slope areas. Motion to close public hearing: O'Tool. Second: Bride. Motion carried 5-0.

DRAFT LANGUAGE
SUBJECT TO
CHANGES

ORDINANCE NO. _____
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE *TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: *SECTION 6.02 ENTITLED DEFINITIONS*; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendment #1 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems (Private use)”. With placement of the letter “A” within the AP (Agricultural Preservation), AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), LI (Limited Industrial), and GI (General Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition, “Solar Array” as definition 158 to Article 6. Definitions. Section 6.02: Definitions as “158. Solar Array. Equipment used for private or utility scale solar energy systems. Can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

On page 92: To add the following definition, “Solar Energy Systems, Private” as definition 159 to Article 6. Definitions. Section 6.02: Definitions as “159. Solar Energy Systems, Private. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy for immediate onsite use that already has an existing principal use on the same parcel. Solar Energy Systems, Private shall be allowed only as an accessory use to a permitted principal use. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.”

Amendment #2 –

On page 39: To add the following line item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Solar Energy Systems, Utility Scale”. With placement of the letter “C” within the AP (Agricultural Preservation) and the GI (General Industrial) zoning districts columns on the table related to this line item use and with the placement of “--” in the AE (Agricultural Estates), NR (Non-Agricultural Residential Zoning District), SR (Suburban Residential), GC (General Commercial), HC (Highway Commercial), and LI (Limited Industrial) zoning districts columns on the table related to this line item use.

On page 92: To add the following definition of “Solar Energy Systems, Utility Scale” as definition 160 to Article 6. Definitions. Section 6.02: Definitions as “160. Solar Energy Systems, Utility Scale. An energy system, commonly referred to as a “solar farm”, which converts solar energy to useable thermal, mechanical, chemical, or electrical energy for transmission through the electrical grid for offsite use or whole sale and/or retail sale. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure. Utility scale solar energy systems do not include concentrating solar power (CSP) systems.”

Amendment #3 –

Beginning on page 92, to re-designate or re-number the definitions in Article 6. Definitions. Section 6.02: Definitions 158 through 188. The purpose is to add “Solar Array” as definition 158, “Solar Energy Systems, Private” as Definition 159, and “Solar Energy Systems, Utility Scale” as Definition 160 thereby pushing the existing definitions 158 through 188 ahead three positions with Article 6. Definitions. Section 6.02 now including definitions 1 through 191.

Beginning on page 82, to amend Article 6. Definitions by moving the start page from page 82 to page 83.

On page iii: To repeal and replace “Section 6.01: Construction of Terms 82” with “Section 6.01 Construction of Terms 83”

On page iii: To repeal and replace “Section 6.02: Definitions 82” with “Section 6.01: Definitions 83”

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice-Chairman

Daniel Bittinger II

Attest:

Mark Nelson

Patrick Gill, Woodbury County Auditor

Keith Radig

Adoption Timeline:
Date of Public Hearing and First Reading _____
Date of Public Hearing and Second Reading _____
Date of Public Hearing and Third Reading _____
Date of Adoption _____
Published/Effective Date _____

Review of Conditional Use Permit Application: Temporary Borrow Pit on Parcel #884702100002.
Priestley read into record the summary of the Conditional Use Permit Proposal. JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total exaction for export is 100,000-15,000 yds³. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. The application(s) have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to recommend approval of the temporary borrow pit by Meister; Second: O’Tool. Motion carried: 5-0.

Review of Conditional Use Permit Application: Operation of Data Processing Business to Place a Demand Response Load Resource Next to the Substation in conjunction with Local Electric utility to Support Grid Resiliency on Parcel #864723300010.

Priestly introduced the proposal of WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed a Condition Use Permit application “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility use or comparable to the industrial use of research and development laboratories in the sense of data analysis. Therefore, the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District, Hence, based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. John Baric provided information sheets for the Commissioners. Motion to receive: Bride; Second: O’Tool. Carried: 5-0. REC has provided a letter of support. The center would even the supply and demand of power and be located next to the Lakeport Substation. Motion by Bride to recommend approval of the conditional use permit “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business. Second: O’Tool. Motion carried: 5-0.

Information/Discussion: Woodbury County Comprehensive Plan 2040 Presentation by SIMPCO

Representatives from SIMPCO gave an overview of the progress and status of the 2040 Comprehensive Plan. The new plan is not ridged or set in stone, incorporates the existing plan. A draft plan is complete; however, comments and suggestions can still be submitted to SIMPCO’s website or Facebook site. Comment section will end June 16th, then will be presented to stakeholders.

Information/Discussion: Meeting Time and Location for the Woodbury County Zoning Commission as Referenced in the Rules of Procedure

Staff has been approached to consider a change in meeting time/location of meetings. Zoning Commission voted to possibly move meetings to 4:30 or 5:00. Board of Supervisors has input in decision. Board of Adjustment will also be asked to consider changes.

Public Comment on Matters Not on the Agenda

Tom Treharne recommended the new Comprehensive Plan include renewable energy.

Staff Update

Priestley mentioned the 3rd reading by the Board of Supervisors for the Wind Ordinance amendment will be on May 23 addressing increased setbacks for Conservation areas.

Motion to adjourn: Meister. Second: O’Tool. Carried 5-0. Meeting concluded at 7:28.