

Minutes - Woodbury County Board of Adjustment – July 3, 2023

The Board of Adjustment meeting convened on the 3rd of July 2023 at 6:02 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 : Daniel Hair, Doyle Turner, Pam Clark
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Don Doll

Call to Order

Chair Daniel Hair formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None

Approval of Minutes

The June 5, 2023, minutes were approved. Motion by Clark to approve; Second by Turner. Motion passed 3-0.

Public Hearing: Variance Application to Build Two Additions onto Legal Non-Conforming Single-Family Dwelling Which is Located Within the 100 Ft Front Yard Setback (AP Zoning District) on Parcel #864508400005; 2979 Grundy Ave., Hornick, IA 51026

Priestley read staff report into record. Don M. Doll and Carole S. Doll have filed a variance application with the request to add two additions onto their legal non-conforming single-family dwelling which is located within the 100 FT front yard setback as required in the Agricultural Preservation (AP) Zoning District. The proposal is to build the Phase 1 addition to expand the existing dining room which would require the addition to be about 62 FT from the front property line and the Phase 2 addition to add bedrooms which would require the addition to be about 60 FT from the front property line. Both requests are further from the front property line than the front edge of the existing deck which is about 46 FT from the front property line. The property owners have filed this variance to request relief from the front yard setback requirements of the AP Zoning District. The property is designated as Parcel #864508400005 and is located in the SE ¼ of the SE ¼ of T86N R45 (Willow Township), Section 8. The property is located about 2.6 miles north of Hornick. The property address is 2979 Grundy Ave., Hornick, IA 51026-8009. Based on the information provided, staff recommends approval of this request as it can be construed as a practical difficulty from the property owners in this case-by-case situation. The ordinance has made it difficult for the owners to expand the footprint of their established home. Therefore, after consideration of the variance criteria, staff recommends approval of this variance request. Nearby neighbors and stakeholders have been notified. Woodbury County Engineer, Mark Nahra, has no objections or concerns since the landowner is coming no closer to the road than the existing buildings.

Motion to close public hearing: Turner. Second: Clark. Motion approved 3-0. Motion by Turner to approve variance request as proposed. Second: Clark. Motion carried 3-0.

Information/Discussion: Possible Changes to Meeting Time and Location for The Woodbury County Board of Adjustment as Referenced in The Rules of Procedure

Priestley has been approached by the Board of Supervisors to propose a change in time/place for the Zoning Commission and Board of Adjustment meetings. He has spoken to members of the Zoning Commission of the possibility of adjusting their meeting time to 5:00 pm and is asking the Board of Adjustment their input. Changing the meeting time earlier would be a hardship for one member, although it would benefit another member. In an effort to shorten the meetings, Priestley recommended adhering to the 3-minute rule for public comment, and exiting the building after the meeting is adjourned. Any further discussions could continue outside the courthouse. The discussion will be addressed again next meeting. When a decision is made, it will be presented to the Board of Supervisors for approval.

Information / Discussion: Proposed Zoning Ordinance Text Amendment Concerning Temporary Heavy Construction Services:

SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: An Ordinance Amending the Text of The Woodbury County Zoning Ordinance to Amend Portions of Section 3.03.4 Entitled: Land Use Summary Table of Allowed Uses In Each Zoning District. The Proposal Is to Repeal The "Prohibited Uses" For "Aggregate Crush & Screen (Temporary)," "Asphalt Mixing (Temporary)," And "Concrete Mixing (Temporary)," In The General Commercial (Gc) Zoning District and The Highway Commercial (HC) Zoning District and Replace With "Conditional Uses" For "Aggregate Crush & Screen (Temporary)," "Asphalt Mixing (Temporary)," And "Concrete Mixing (Temporary)," In Both the GC and HC Zoning Districts.

These amendments would allow for onsite mixing, for temporary purposes only, and the CUP would allow the proposals to be reviewed and conditions applied, if needed. Board of Supervisors will have the first public hearing on the amendments July 11, 2023, and may waive 2nd and 3rd readings. Priestley recommended the Board of Adjustment have a Special Meeting July 31, 2023, in place of the August 1, 2023 as there is an application in office waiting for approval.

CURRENT								
LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT								
ok Principal allowed use								
C Conditional use								
A Accessory use	AP	AE	NR	SR	GC	HC	LI	GI
TU Temporary use								
-- Prohibited use								
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	--	--	C	C
Asphalt mixing (temporary)	C	--	--	--	--	--	C	C
Concrete mixing (temporary)	C	--	--	--	--	--	C	C

PROPOSED								
LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT								
ok Principal allowed use								
C Conditional use								
A Accessory use	AP	AE	NR	SR	GC	HC	LI	GI
TU Temporary use								
-- Prohibited use								
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	C	C	C	C
Asphalt mixing (temporary)	C	--	--	--	C	C	C	C
Concrete mixing (temporary)	C	--	--	--	C	C	C	C

DRAFT PROPOSAL
LANGUAGE – SUBJECT
TO CHANGES

ORDINANCE NO. _____
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*.

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 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the "Temporary heavy construction services" category as follows:

To repeal and replace the following uses: *Aggregate crush & screen (temporary)* "Prohibited use" represented as "--" in the "GC" (General Commercial Zoning District) column and in the "HC" (Highway Commercial Zoning District) column with a "Conditional use" represented with a "C" to be placed in both the "GC" (General Commercial Zoning District) and "HC" (Highway Commercial Zoning District) columns.

Amendment #2 –

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the "Temporary heavy construction services" category as follows:

To repeal and replace the following uses: *Asphalt mixing (temporary)* "Prohibited use" represented as "--" in the "GC" (General Commercial Zoning District) column and in the "HC" (Highway Commercial Zoning District) column with a "Conditional use" represented with a "C" to be placed in both the "GC" (General Commercial Zoning District) and "HC" (Highway Commercial Zoning District) columns.

Amendment #3 –

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the "Temporary heavy construction services" category as follows:

To repeal and replace the following uses: *Concrete mixing (temporary)* "Prohibited use" represented as "--" in the "GC" (General Commercial Zoning District) column and in the "HC" (Highway Commercial Zoning District) column with a "Conditional use" represented with a "C" to be placed in both the "GC" (General Commercial Zoning District) and "HC" (Highway Commercial Zoning District) columns.

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice-Chairman

Daniel Bittinger II

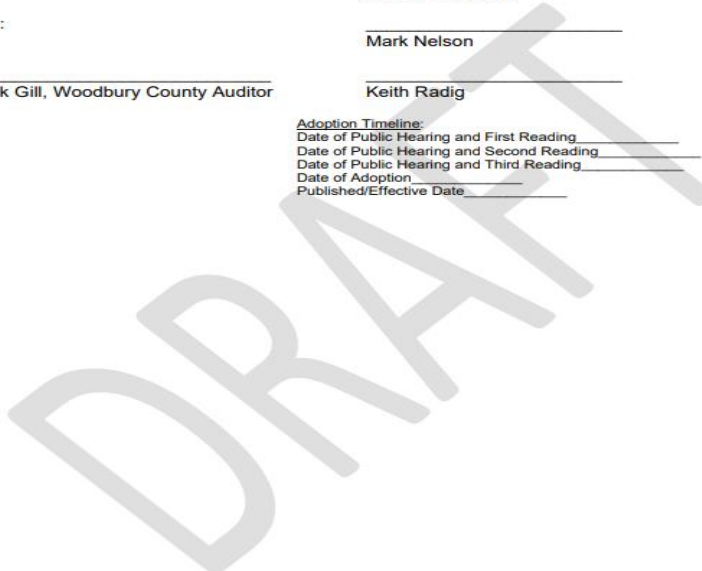
Mark Nelson

Keith Radig

Attest:

Patrick Gill, Woodbury County Auditor

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 _____



INFORMATION/DISCUSSION: UPDATE ON ZONING COMMISSION MAY 22, 2023 RECOMMENDATION FOR SOLAR ENERGY SYSTEMS AMENDMENTS PROPOSAL TO WOODBURY COUNTY ZONING ORDINANCE.

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. The Woodbury County Attorneys Office worked with staff to review/revise the language in the draft ordinance amendments concerning solar to account for net metering opportunities prior to this language being sent to the Board of Supervisors for up to three (3) public hearings. This item was brought back to the Zoning Commission at the June 26, 2023 meeting as an "Information/Discussion" item to update the Commission and the public about the revisions. The public hearing dates before the Board of Supervisors are yet to be determined. The amendments will allow review by Zoning Commission and Board of Adjustment with the opportunity to add conditions, if needed. Revisions are shown below in red.

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 **primarily** for immediate onsite use that already has an existing principal use on the same parcel. Solar Energy Systems, Private shall be allowed only as a **non-utility scale** accessory use to a permitted principal use. **Surplus energy sold back to a utility must comply with all applicable laws including but not limited to Section 199, Chapter 15.11(5) of Iowa Administrative Code, and all requirements of the Iowa Utilities Board.** 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 **primarily** for transmission through the electrical grid for offsite use or **wholesale** 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 _____

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

None

Adjourn

Motion by Clark. Second: Turner. Carried 3-0. The meeting adjourned at 6:38 P.M.