

Minutes - Woodbury County Board of Adjustment – Special Meeting – July 31, 2023

The Board of Adjustment meeting convened on the 31st of July 2023 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 : Daniel Hair, Tom Thiesen, Pam Clark (Phone), Ashley Christensen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Dana Neal, Kim Neal, Kyle Walker

Call to Order

Chair Daniel Hair formally called the meeting to order at 6:02 PM.

Public Comment on Matters Not on the Agenda

None

Approval of Minutes

The July 3, 2023 minutes were approved. Motion by Hair to approve; Second by Christensen. Motion passed 4-0.

Public Hearing: To Consider for Approval, a Conditional Use Permit Application – Request to Setup a Portable Concrete Plant for Hwy 20 Paving for IDOT Project NHSX-020-1(179)—3H-97 on Parcel #884701200009

Priestley read the staff report and Zoning Commission recommendation into the record. Jason Meihost, Croell, Inc. (Applicant) and Midwest Auto Properties, LLC have filed a conditional use permit application to request to use the property designed as Parcel #884701200009 for a portable concrete plant in support of the Hwy 20 paving project identified as IDOT Project NHSX-020-1(179)—3H-97. The proposed location is south of Hwy 20 and west of Charles Avenue. The property is addressed at 1605 Charles Ave., Lawton, IA 51030. Appropriate landowners and stakeholders were notified. No written inquiries received. Landowners at 1774 162nd Street spoke in favor of the project but have concerns about the operation hours, dust control, traffic control and how the roads will be maintained, and length of project. Priestley noted there is a well on the parcel. Siouxland District Health department has verified it has been capped and marked. Priestley received a phone call from a neighboring landowner asking about the grading on the property. Motion to close public hearing: Christensen. Second: Thiesen. Carried; 4-0. Motion by Christensen to approve conditional use permit application to setup a portable concrete plant for Hwy 20 paving for IDOT Project NHSX-020-1(179)—3H-97 on parcel #884701200009 with conditions:

- Reasonable accommodations must be made for dust control on site and the haul routes.
- Reasonable accommodations must be made for road maintenance along the haul routes.
- Hours of operation must be between sunrise and sunset.
- Steps must be in place to return the property to the original state, or a state approved by the owner(s).

Public Hearing: To Consider for Approval, a Conditional Use Permit Application – Request for a Private Wind Turbine Installation and Use on Parcel #864626400009

Priestley read the staff report and Zoning Commission recommendation into the record. William Kyle Walker (owner) has filed a conditional use permit application for the installation and use of a wind turbine. The said turbine along with its support tower was previously installed on this property and the owner has retroactively filed this permit request as required under Section 3.03.4 of the Zoning Ordinance. The property abuts Hwy 141 and Fayette Avenue. This proposal has been properly noticed in the Sioux City Journals legal section on July 18, 2023. The neighbors within 500 FT were duly notified via a July 14, 2023 letter about the July 31, 2023 Board of Adjustment public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA). The portion where the house is located was removed from the floodplain via Letter of Map Revision Based of Fill Case No.: 15-07-1298A. Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal can meet the criteria for approval of the conditional use request based on conditions. At their meeting on July 24, 2023, the Woodbury County Zoning Commission unanimously approved (5-0) the motion to recommend approval of this conditional use permit request to the Board of Adjustment with the following conditions: 1) The turbine tower installation/placement shall meet or exceed the 10 FT accessory setback requirements from the west property line as enumerated in the Woodbury County Zoning Ordinance (Section 3.04). 2) The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03). To consider in the decision making, the ordinance states the Board shall decide within 35 days of the hearing to approve as submitted, apply conditions, or deny. Christensen asked Mr. Walker why this wasn't considered Ag Exempt. Mr. Walker decided not to go that route. Walker stated this was private use, has a roofing business and catfish business on the property. Walker stated the fence on west side of property is placed 10' from the property line and the tower is approximately 23-25 ft. from the property line. Christensen mentioned the structure being located in a

floodplain, Walker stated the electric will be elevated 6' on the tower, 1 ' above the floodplain. Waiting for electrical inspection. Priestley stated a FPDP is on file, and the current floodplain map should be used. Priestley also stated a survey from a certified, licensed surveyor needs to be provided to show that the 10' setback is met. Motion to close public hearing: Hair. Second: Thiesen. Carried: 4-0.

Motion by Christensen to approve conditional use permit request with the following conditions:

- The turbine tower installation/placement shall meet or exceed the 10 FT accessory setback requirements from the west property line as enumerated in the Woodbury County Zoning Ordinance (Section 3.04).
- The turbine tower installation/placement shall comply with the floodplain management regulations of the Woodbury County Zoning Ordinance (Section 5.03).
- The property owner(s) will obtain and submit to Woodbury County Community and Economic Development staff a professionally Iowa licensed stamped survey to ensure the 10 FT setback from the property line.
- In the event of a failure of the wind turbine tower, this is a civil matter between the said property owner and the affected abutting property owner(s).
- Must adhere to all applicable federal, state and local regulations as it pertains to the installation and use of the wind turbine and tower.

Second by Thiesen. Motion approved 4-0.

Consideration to Adopt Amendment to Rules of Procedure for the Meeting Day, Time, and Location of the Woodbury County Board of Adjustment

After discussion, Board members chose to not make changes to the meeting day, time, or location. No changes will be made to Rules of Procedure. Motion by Christensen to leave the schedule as is with no recommended changes to the Rules of Procedure. Second: Thiesen Approved; 4-0.

Public Comment on Matters Not on the Agenda

None

Board Member Comment of Inquiry

Christensen mentioned the Woodbury County Fair is underway.

Staff Update

The Board of Supervisors will conduct Public Hearings on the proposed Zoning Ordinance Text Amendment concerning solar on August 1st, 8th, and 15th. Hearings will all be at 4:45 PM.

Adjourn

Motion to adjourn by Christensen. Second: Theisen Carried: 4-0.