

## Minutes - Woodbury County Board of Adjustment – March 4, 2024

The Board of Adjustment meeting convened on the 4<sup>th</sup> of March 2024 at 6:06 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

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### Meeting Audio:

For specific content of this meeting, refer to the recorded video on the Woodbury County Board of Adjustment "Committee Page" on the Woodbury County website:

- County Website Link:
  - o [https://www.woodburycountyiowa.gov/committees/board\\_of\\_adjustment/](https://www.woodburycountyiowa.gov/committees/board_of_adjustment/)
- YouTube Direct Link:
  - o <https://youtu.be/CB5-SP1eUPo?si=RDRbHEJL3OWK5Fe9&t=7>

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BA Members Present :	Daniel Hair, Doyle Turner, Pam Clark, Tom Thiesen
County Staff Present:	Dan Priestley, Dawn Norton
Public Present:	Andrew Orr, Dakin Schultz, Adam Larson, Jason Klemme

### Call to Order

Chair Daniel Hair formally called the meeting to order at 6:06 PM.

### Public Comment on Matters Not on the Agenda

None

### Approval of Minutes

The October 2, 2023, minutes were approved. Motion by Turner to approve; Second by Thiesen. Motion passed 4-0.

### Election of Chair of the Board of Adjustment for 2024

Motion/nomination by Doyle Turner for Daniel Hair to be Chair. Second by Pam Clark. Motion passed 4-0.

### Election of Vice Chair of the Board of Adjustment for 2024

Motion/nomination by Tom Thiesen for Pam Clark to be Vice-Chair. Second by Doyle Turner. Motion passed 4-0.

### Public Hearing: To Consider for Approval, A Conditional Use Permit Application – Conditional Use Permit Application: Disturbance of Earthen Materials, Import of Earthen Materials, Crushing Aggregate Materials, Staging Crushed Aggregate Temporarily, Exporting Crushed Aggregate, and Rectifying the Site: Parcel #894632300022

Priestley read staff report into record. JB Holland Construction (Applicant) and James A. Orr (Owner) have submitted a conditional use permit (CUP) application to use the property located on Parcel #894632300022 in T89N R46W (Concord Township), in the SE ¼ of the SW ¼ of Section 32, General Commercial (GC) Zoning District, as a location to support the west bound Highway 20 project by using the site for the "disturbance of earthen materials, import of earthen materials, crushing aggregate materials, staging crushed aggregate temporarily, exporting crushed aggregate, and rectifying the site." The property is located east of Sioux City and less than 700 FT from the corporate boundary. The property is not located within the Special Flood Hazard Area (SFHA). The requested uses are acceptable for the consideration of a CUP and compatible with Sections 3.03.3 and 3.03.4 of the Zoning Ordinance including the association with temporary heaving construction services uses such as aggregate crush & screen (temporary). The Woodbury County Zoning Commission met February 26<sup>th</sup>, 2024, voting to forward CUP to Board of Adjustment with a 4-0 vote. The Zoning Commission recommended clear hours of operation, communication with neighboring church, and to include dust control mitigation. Staff recommended compliance with all Federal, State, and Local laws. Staff would recommend approval. Hair asked Adam Larson from JB Holland about hours of operation, and line of communication with the church. Clark inquired about dust mitigation. Adam Larson from JB Holland stated a contracted company will be doing the crushing. He expects they will begin crushing within 2-3 weeks. Crusher has a watering mechanism on it to reduce dust. They will work with the church to work with any activities, will not be crushing on Saturday or Sundays. Hours of operation will be 6:30 AM – 6:00 PM. Dakin Schultz from IDOT spoke of similar project last year with JB Holland, there were no complaints with the work done. IDOT will have day by day communication with operations. Priestley has received

a couple dust control and noise questions. Staff recommends approval with conditions. Motion by Clark to close public hearing: Second by Turner. Carried 4-0. Hair made a motion to approve the conditional use permit application with the conditions to include reasonable clear hours of operation from 6:30 AM to 7:00 PM, reasonable dust control mitigation, and the establishment of a line of communication for any possible interference with church events. The applicants must also comply with all federal, state, and local laws and requirements applicable to this conditional use permit which will conclude March 31, 2025. Second by Clark. Carried 4-0.

**Information Item: Proposed Amendments to Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance**

Priestley gave an overview of the new FEMA floodplain maps that will go into effect July 17, 2024. Five parcels within Woodbury County will be new to the floodplain. Staff will reach out to landowners about the change. Lending institutions require flood insurance for any new buildings in floodplain areas.

**Information Item – Discussion About the Woodbury County Comprehensive Plan 2024**

Priestley summarized the work and gathering of information done for the new 2040 Comprehensive Plan, which will replace the current plan from 2005. The plan is not an ordinance, but with public input, prioritizes and guides aspects of Woodbury County for future growth. The Zoning Commission will hold a public hearing to collect any additional information. Dates have not been set yet; the public will be informed. Following the Zoning Commission public hearing, a recommendation will be sent to the Board of Supervisors. The BOS will then hold up to three public hearings for more public input.

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

None

**Staff Update**

The Woodbury County Zoning Commission has held several work sessions and meetings regarding the county's utility solar policy. The Commission voted to recommend commercial/utility solar remain in General Commercial Zoning Districts with a CUP process that could place certain conditions on permitting. The recommendation has been sent to the county attorney's Office for legal review. It will return to the Zoning Commission before being sent to the Board of Supervisors for three public hearings.

**Board Member Comment of Inquiry**

None

**Motion to Adjourn**

Motion by Clark. Second: Turner. Carried: 4-0. Meeting adjourned 6:53 PM.