

Woodbury County Zoning Commission Special Meeting Minutes

Date: May 28, 2025

Time: 5:00 PM

Location: Board of Supervisors' Meeting Room, Basement, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA

MEETING AUDIO:

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

- County Website Link:
 - o https://www.woodburycountyia.gov/committees/zoning_commission/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=HoUh4IVeBoI>

Attendees

- **Commissioners Present:** Chris Zellmer Zant - Chair, Tom Bride – Vice Chair, Corey Meister, Steve Corey
- **Commissioner Absent:** Jeff Hanson
- **Staff Present:** Dan Priestley - Zoning Coordinator, Dawn Norton – Senior Clerk
- **Public Attendees:** Alan Fagan (Land Surveyor), Jason Reynoldson (Morningside University), Steven Sitzmann, Debbie De Forrest, Chad Hofer, Jim McCullough, Frank Huseman, Dale Drees, Lynn Drees, Adam Boeve

Call to Order

Chair Chris Zellmer Zant called the meeting to order at 5:00 PM on May 28, 2025, noting that the meeting would be audio-recorded and minutes prepared. Attendees were asked to silence cell phones and complete the attendance sheet. Zellmer Zant outlined the commission's procedures, emphasizing public hearing protocols, including staff reports, public comments limited to three minutes, and the process for closing hearings and deliberating motions. She noted that ex-parte communications must be disclosed before deliberations.

Roll Call

Zellmer Zant conducted a roll call, confirming the presence of all commissioners except Jeff Hanson. The record reflected a quorum.

Public Comment on Matters Not on the Agenda (Information Item)

Zellmer Zant opened the floor for public comments on non-agenda items. No comments were received.

Approval of Minutes from Previous Meeting: March 24, 2025 (Action Item)

Zellmer Zant presented the minutes from the March 24, 2025, meeting for approval.

- **Motion:** Commissioner Corey moved to approve the minutes.
- **Second:** Commissioner Meister seconded the motion.
- **Vote:** Unanimous approval (4-0, all present saying "aye").
- **Outcome:** The minutes were approved.

5. Items of Business

a. Public Hearing: Proposed Washburn Addition Minor Subdivision, Parcel #894635200009 (Michael W. and Janine J. Washburn) (Action Item)

Staff Presentation (Dan Priestley):

Priestley introduced the proposal for a three-lot minor subdivision on parcel #894635200009, owned by Michael W. and Janine J. Washburn, to divide 8.088 acres into Lot 1 (3.56 acres), Lot 2 (2.5 acres), and Lot 3 (2.03 acres). The property, located in the Agricultural Estates (AE) Zoning District, facilitates potential housing development. The proposal complied with Iowa Code closure requirements, as confirmed by County Engineer Laura Sievers, who outlined access criteria for the lots. The City of Lawton approved the final plat, and all stakeholders were notified with no objections received. Priestley recommended approval to the Board of Supervisors.

- **Public Comments:**
 - o Alan Fagan (Surveyor) clarified that the septic system for Lot 2 is self-contained, Lot 3 is to be sold to the adjacent western property owner with no building planned, and Lot 1 is for sale. No further questions were raised.
- **Motion to Close:** Commissioner Bride moved to close the public hearing.
- **Second:** Commissioner Corey seconded.

- **Vote:** Unanimous (4-0).

Deliberation and Motion:

No further discussion occurred.

- **Motion:** Commissioner Corey moved to recommend approval of the Washburn Addition minor subdivision to the Board of Supervisors.
- **Second:** Commissioner Bride seconded.
- **Vote:** Unanimous (4-0, all saying “aye”).
Outcome: The commission approved recommending the Washburn Addition minor subdivision to the Board of Supervisors.

b. Public Hearing: Proposed Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to General Industrial (GI), Parcel #864629351012 (New Cooperative, Inc.) (Action Item)

Staff Presentation (Dan Priestley):

Priestley presented New Cooperative, Inc.’s application to rezone parcel #864629351012 from AP to GI, located near the city limits of Sloan, adjacent to their existing GI-zoned grain facility. The rezoning would enable a temporary grain storage facility with a 1.7-million-bushel corn capacity, aligning with county land use guidelines for grain terminals in GI zones. The proposal was advertised in the Sioux City Journal on May 13, 2025, and neighbors were notified by letter on May 12, 2025, with no direct objections received. Stakeholders, including government agencies, were notified, and the proposal met zoning ordinance criteria. Priestley recommended approval, pending public testimony.

- **Public Comments:**
 - Frank Huseman from New Cooperative confirmed the facility is for temporary grain storage located just outside Sloan’s city limits. No other public comments were received.
- **Motion to Close:** Commissioner Meister moved to close the public hearing.
- **Second:** Commissioner Corey seconded.
- **Vote:** Unanimous (4-0, all saying “aye”).

Deliberation and Motion:

No further discussion occurred.

- **Motion:** Commissioner Bride moved to recommend approval of the rezoning from AP to GI for parcel #864629351012 to the Board of Supervisors.
- **Second:** Commissioner Meister seconded.
- **Vote:** Unanimous (4-0, all saying “aye”).
Outcome: The commission approved recommending the rezoning to the Board of Supervisors.

c. Public Hearing: Consideration of Borrow Pit for Earthen Material in Agricultural Estates (AE) Zoning District, Zoning Ordinance Text Amendment (Action Item)

Staff Presentation (Dan Priestley):

Priestley explained the Board of Supervisors’ April 29, 2025, directive to amend the zoning ordinance to allow borrow pits as a conditional use in the AE Zoning District, currently prohibited under Section 3.03(4). The amendment, proposed under Section 2.02(9), would enable case-by-case reviews by the Zoning Commission and Board of Adjustment, addressing environmental, traffic, and neighborhood impacts. The change aims to promote equity, as borrow pits are permitted in AP zones, and support agricultural safety and infrastructure. Priestley provided background on the 2008 ordinance, noting AE districts’ higher housing density raised concerns about borrow pits’ compatibility. He highlighted the broad definition of “borrow pit,” which lacks size thresholds, complicating enforcement. Conditional use permits would allow scrutiny of temporary projects, ensuring public input and mitigation measures (e.g., dust control, stormwater plans). Priestley referenced agricultural exemptions allowing farmers to move dirt without permits, contrasting with economic borrow activities requiring permits.

- **Public Comments:**
 - Steve Sitzman (Sioux City) described a personal experience where a contractor removed a hill on his property without a permit, later requiring a grading permit. He supported borrow pits for development, citing Sioux City’s need to expand outward.
 - Alan Fagan suggested the county purchase right-of-way for road projects, remove dirt, and sell it back, avoiding borrow pit classification. Priestley noted this could be explored but emphasized private property triggers conditional use review.
- **Motion to Close:** Commissioner Corey moved to close the public hearing.
- **Second:** Commissioner Bride seconded.

- **Vote:** Unanimous (4-0, all saying “aye”).

Deliberation:

Commissioners discussed the lack of a clear borrow pit size definition, with Bride noting the 2008 prohibition in AE aimed to protect residential areas. Meister supported conditional use permits for case-by-case evaluation, addressing neighbor concerns. Priestley emphasized notification requirements and mitigation conditions (e.g., dust control, haul routes) via Board of Adjustment resolutions. The commission agreed one public hearing was sufficient, given the Board of Supervisors’ three additional hearings.

Motion:

- **Motion:** Commissioner Bride) moved to recommend including borrow pits for earthen materials as a conditional use in the AE Zoning District, subject to scrutiny via the conditional use process.
 - **Second:** Commissioner Corey seconded.
 - **Vote:** Unanimous (4-0, all saying “aye”).
- Outcome:** The commission approved recommending the ordinance amendment to the Board of Supervisors, with staff and the chair drafting a letter to the board.

d. Review of Conditional Use Permit: Competitive Athletic Baseball Field, Morningside University, Parcel #884714300005 (Action Item)

Note: The commission unanimously approved reordering the agenda to address this item before the nuclear energy discussion, via a motion and second (4-0 vote).

Staff Presentation (Dan Priestley):

Priestley clarified this was a review session, not a public hearing, to assess the completeness of Morningside University’s conditional use permit application for a baseball stadium on parcel #884714300005 in the AP Zoning District, where such uses are eligible. Jason Reynoldson, representing Morningside, proposed a facility to support organized sports, health, wellness, and community events, with minimal environmental impact through permeable surfaces, native landscaping, and noise/light controls. The project aims to attract visitors, boost local businesses, and foster social interaction. Priestley requested an updated staff analysis be entered into the record, correcting inaccuracies in the packet. He noted the proposal aligns with the county’s comprehensive plan but emphasized the need for public input at the Board of Adjustment’s public hearing on June 2, 2025.

Motion to Accept Updated Staff Analysis:

- **Motion:** Commissioner Bride moved to accept the updated staff analysis into the record.
 - **Second:** Commissioner Meister seconded.
 - **Vote:** Unanimous (4-0, all saying “aye”).
- Outcome:** The updated analysis was accepted. The updated analysis is available in the appendix.

Comments (Review Session):

- **Jason Reynoldson (Morningside University):** Estimated 50 games annually, mostly afternoon games in March, with rare night games (one per season potentially past 10 PM). Parking is planned for the southeast corner, with traffic directed to minimize impact. The field’s orientation (south/west) reduces light impact on neighbors. The remaining 54-56 acres are for agricultural programs.
- **Chad Hofer (nearby property owner):** Expressed concerns about night game time restrictions, water usage affecting neighbors’ wells, and septic system proximity. Noted the property was initially for agricultural use, not a baseball field, and raised traffic concerns on County Road 141.
- **Commissioner Comments:** Meister highlighted potential non-college use (e.g., high school teams), suggesting Board of Adjustment conditions. Corey emphasized addressing traffic and event scope.
- **Jim McCullough (nearby property owner):** Questioned why Morningside wasn’t using Sioux City Explorers’ field, citing underuse. Reynoldson explained failed negotiations with the Explorers’ owners.
- **Debbie De Forrest (nearby property owner):** Raised concerns about noise and asked about lighting strategies, and other events being allowed at stadium.

Deliberation and Motion:

The commission found the application complete and sufficient for Board of Adjustment review, noting public concerns (traffic, time restrictions, event scope) to be addressed in a letter from Chair Zellmer Zant.

- **Motion:** Commissioner Corey moved to recommend forwarding the application to the Board of Adjustment, based on the application’s criteria.
- **Second:** Commissioner Bride seconded.

- **Vote:** Unanimous (4-0, all saying “aye”).
Outcome: The commission approved forwarding the application, with a letter reflecting public concerns.

e. Public Hearing: Consideration of Nuclear Energy Facilities and Nuclear Waste Storage in Zoning Ordinance (Action Item)

Staff Presentation (Dan Priestley):

Priestley outlined the ongoing discussion, initiated by the Board of Supervisors in 2024, to include “nuclear energy facilities” and “nuclear waste storage” as land use options in the zoning ordinance, likely as conditional uses in the General Industrial (GI) Zoning District. The hearing addressed nuclear energy generation, modular systems, and related technologies. Assistant County Attorney Joshua Widman memos emphasized defining these terms explicitly to avoid legal challenges, as the current “electrical energy generation” category could lead to interpretation disputes with a 500-foot notification radius. Priestley proposed a 10-mile notification zone for nuclear uses. He consulted the Nuclear Regulatory Commission (NRC) via Brian Bergeon, who detailed NRC’s regulatory role, licensing requirements, and federal oversight of reactors, materials, and waste (per Title 10, Code of Federal Regulations). The NRC’s process involves rigorous safety and business model reviews, complementing local conditional use scrutiny. Recent executive orders (May 2025) by the President aim to streamline NRC processes, targeting 400 gigawatts of nuclear capacity by 2050. Priestley suggested drafting ordinance language with Widman’s guidance for further review.

- **Public Comments:**
 - **Lynn Drees (resident):** Supported clarifying nuclear uses, favoring a 10-mile or larger notification radius due to long-term risks (e.g., waste seepage). Expressed concern about rezoning agricultural land to industrial, which Priestley countered with protections against spot zoning via the 2040 Comprehensive Plan and future land use map.
 - **Alan Fagan (Sioux City):** Opposed nuclear facilities, citing federal oversight failures, flood risks in industrial areas, and long-term storage uncertainties (300 vs. 10,000 years). Questioned the need for nuclear in densely populated Woodbury County versus sparsely populated states.
- **Public Hearing Closed:** The public hearing was closed and the commission transitioned to deliberation.

Deliberation:

Commissioners discussed the NRC’s timeline (unclear but multi-year), driven by AI and data center energy demands. Corey noted small modular reactors’ potential (e.g., powering Las Vegas). The commission agreed more public input was needed, given increased participation. Priestley suggested enumerating nuclear terms in the land use summary table with a 10-mile notification radius, prohibiting them elsewhere, and relying on federal compliance.

Motion:

- **Motion:** Commissioner Coery moved to continue the discussion for one month to draft ordinance language with Joshua Widman for further public review.
- **Second:** Commissioner Meister seconded.
- **Vote:** Unanimous (4-0, all saying “aye”).
Outcome: The commission approved continuing the discussion, with staff to prepare draft language.

f. Accessory Second Dwelling, Senate File 592 (Information Item)

Staff Presentation (Dan Priestley):

Priestley discussed Senate File 592, signed May 1, 2025, amending Iowa Code Section 331.301 to mandate counties allow accessory dwelling units (ADUs) on single-family lots, either attached or detached, with minimal restrictions (e.g., setbacks, 50% size ratio, 1,000 sq ft minimum). Previously, ADUs required conditional use permits for relatives or workers. The law limits county restrictions, potentially requiring ordinance amendments to remove prohibitions. Priestley foresaw issues with lot splits, septic systems, and real estate market impacts, suggesting strategic placement to facilitate future subdivisions. He planned to consult Joshua Widman on compliance.

Discussion:

Commissioners raised concerns about setback enforcement (e.g., 10 feet between houses) and lot split challenges. Priestley noted ADUs could lead to unpermitted rentals or tax burdens, impacting property values. The commission anticipated ordinance updates to align with state law.

g. Variance Legislation (Information Item)

Staff Presentation (Dan Priestley):

Priestley outlined changes to variance criteria at the Board of Adjustment, shifting from economic hardship to practical

difficulty for setbacks, lot sizes, and measurements (not use variances, which are barred). He cited a successful variance case involving a two-acre lot with a creek, where a reduced setback was approved after stakeholder input. The new criteria aim to make variances more flexible while maintaining oversight.

Discussion:

No questions or comments were raised.

Public Comment on Matters Not on the Agenda

No additional comments were received.

Staff Update

Priestley reiterated plans to work with Joshua Widman and the Board of Supervisors to amend the zoning ordinance in response to Senate File 592 and variance legislation, potentially by striking restrictive language. He suggested a streamlined amendment process to comply with state law.

Commissioners' Comments or Inquiries

No comments were recorded.

Adjournment

- **Motion:** Commissioner Meister moved to adjourn.
 - **Second:** Commissioner Corey seconded.
 - **Vote:** Unanimous (4-0, all saying "aye").
- Outcome:** The meeting adjourned at 7:30 PM

