

## Minutes - Woodbury County Board of Adjustment – June 2, 2025

The Board of Adjustment convened on the 2nd day of June 2025 at 5:00 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://www.youtube.com/watch?v=Ood2zFzS74w>
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BA Members Present:

Daniel Hair, Doyle Turner, Pam Clark, Tom Thiesen, Larry Fillipi

County Staff Present:

Dan Priestley, Dawn Norton

Public Present:

Jason Reynoldson, Debra De Forrest, James McCullough, Chad Hofer, Kirby Eli, Jeaneen Eli, Lew Fillipi, Jeanette Frey, Jim Sykes, Vonda Anfinson

### CALL TO ORDER

Chair Daniel Hair called the meeting to order at 5:06 PM.

### ROLL CALL

Chair Hair noted that all members were present except Doyle Turner, who was expected to arrive shortly. The meeting was audio-recorded, and attendees were asked to silence cell phones and sign the attendance sheet. Chair Hair outlined the procedures for the meeting, including public hearing processes, public comment protocols, and the board's deliberation and voting process.

### PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No public comments were made on matters not listed on the agenda.

### APPROVAL OF MINUTES

The minutes of the March 3, 2025, meeting were approved. Motion by Clark, second by Thiesen. Motion carried unanimously (5-0).

### PUBLIC HEARING - CONDITIONAL USE PERMIT FOR COMPETITIVE ATHLETIC FIELD (BASEBALL FIELD FOR MORNINGSIDE UNIVERSITY, PARCEL #884714300005) (ACTION ITEM)

Chair Hair opened the public hearing. Dan Priestley presented the staff report, summarizing the application by Jason Reynoldson on behalf of Morningside University to construct and operate a baseball field on Parcel #884714300005 in the Agricultural Preservation (AP) Zoning District. The proposed facility aims to support organized sports, health, wellness, and community engagement, with features like permeable surfaces, native landscaping, and noise/light control to minimize environmental impact. The Zoning Commission reviewed the proposal on May 28, 2025, with a 4-0 vote in favor, noting public concerns about traffic, event scheduling, noise, light disturbance, water usage, and alcohol policies. The proposal meets zoning and site plan requirements but requires Board of Adjustment approval as a conditional use under Section 3.03.4 of the Woodbury County Zoning Ordinance.

### Applicant Presentation

Jason Reynoldson provided an overview, stating the field is primarily for Morningside University's baseball team, with potential use for youth camps and tournaments. The season would span March to April (approximately six weeks), with about 50 games annually, including 15-17 home dates, often as doubleheaders. Games typically last 2-3 hours, with preferred start times around 5:00 PM, ending by 10:00 PM to accommodate student schedules. The initial project excludes lights, but future phases may include them, oriented to minimize impact. Parking is planned on the west and south sides to avoid road parking, and student workers would manage traffic flow. A PA system and walk-up music are planned, with efforts to control noise. Alcohol would be prohibited, with signage and security

enforcement. Team practices would also be done at the field during season and off-season. Double Header start times could be moved to begin earlier. Parking lot would be monitored to prevent alcohol use.

### Public Comments

- **Debra De Forrest:** Expressed concerns about sourcing dirt for the field, suggesting it might come from nearby property, and raised issues about alcohol use and game duration potentially extending past 10:00 PM, citing local baseball games running late.
- **James McCullough:** Noted increased traffic on 141 due to nearby apartments (240-720 additional vehicles daily), emphasizing safety concerns with no turning lanes and high-speed traffic (50-60 mph). Suggested collaboration with the county engineer for traffic solutions.
- **Chad Hofer:** Generally was okay with the project but stressed enforcing a 10:00 PM closure to avoid disturbances, citing a past incident at the nearby county home range. Raised concerns about light spillage into his property and traffic safety, particularly at the 141/Buchanan Avenue intersection due to poor line of sight.

### Public Hearing Closure

The public hearing was closed with a motion by Turner and a second by Clark. Motion carried unanimously (5-0).

### Board Discussion

The board discussed traffic safety, noise, lighting, dust from nearby agricultural trucks, and time restrictions. Key concerns included:

- **Traffic Safety:** The lack of turning lanes on 141 and poor line of sight at intersections, exacerbated by existing apartment traffic and potential game-related traffic (100-200 attendees per game).
- **Noise and Lighting:** Uncertainty about decibel levels and light orientation, with no county ordinance specifying decibel limits in unincorporated areas.
- **Time Restrictions:** Challenges in enforcing a 10:00 PM closure due to variable game lengths.
- **Dust Control:** Dust from trucks on Buchanan Avenue during planting season, impacting air quality and visibility.
- **Construction Timeline:** Morningside aims to start construction to have the field ready for the 2026 spring season.

The board felt insufficient information was available to make a decision, particularly regarding traffic mitigation, noise control, and dust management. They suggested Morningside consult the county engineer for traffic solutions and provide a detailed business plan addressing these concerns.

### Action

- **Motion:** Chair Hair moved to table the conditional use permit application until the next meeting (July 2025) to allow Morningside University to provide clarification on their business plan, including surface water runoff, decibel levels, alcohol policy, dust control, light mitigation, and safe traffic flow to protect public health, welfare, safety, etc.
- **Second:** Pam Clark.
- **Discussion:** None.
- **Vote:** Unanimous in favor (ayes).
- **Outcome:** Motion carried; application tabled. Staff was directed to work with Morningside to address concerns and prepare for a new public hearing in July.

### PUBLIC HEARING - VARIANCE REQUEST - ACCESSORY STRUCTURE PRIOR TO PRINCIPAL STRUCTURE (KIRBY AND JANINE ELI, PARCEL #894214400004) (ACTION ITEM)

Dan Priestley reported a minor error in the letter and legal public notice in the newspaper (incorrect section number: listed as 21, should be 14), but confirmed substantial compliance with notification requirements, as letters were sent to property owners within 500 feet, and the correct parcel number and deed reference were included in both the legal notice and letter which retained context.

Chairman Hair opened the public hearing. Priestley introduced the variance. The applicants, Kirby and Janine Eli, seek to build a 40x60 accessory shed before completing their principal residence on an 11.77-acre parcel in Union Township. They plan to start foundations for both structures simultaneously but prioritize the shed for storing materials and tools during construction, as they will live in a camper on-site. The shed would be enclosed by winter,

with the house construction to follow. Staff recommended approval, citing practical difficulty and the applicants' commitment to building both structures.

### **Applicant Presentation**

Kirby Eli confirmed the plan to build both foundations concurrently, live in a camper, and use the shed for storage during construction. The shed's completion would support their retirement project, and their presence on-site would aid maintenance of adjacent family-owned property.

### **Public Comments**

No public comments were received.

### **Public Hearing Closure**

The public hearing was closed with a motion by Turner and a second by Thiesen. Motion carried unanimously (5-0).

### **Board Discussion**

The board found the request straightforward, noting similar variances approved in the past. The simultaneous foundation work and the applicants' clear plan addressed concerns about ensuring the principal structure's completion. Recent state legislation (House File 652) was noted, which emphasizes practical difficulty over financial hardship, supporting the variance.

### **Action**

- **Motion:** Pam Clark moved to approve the variance, noting substantial compliance with public notice requirements.
- **Second:** Doyle Turner.
- **Discussion:** None.
- **Vote:** Unanimous in favor (ayes).
- **Outcome:** Motion carried; variance approved. The applicants were informed that building permits could be issued, valid for one year with renewal options.

### **ACCESSORY SECOND DWELLINGS - SENATE FILE 592 (INFORMATION ITEM)**

Dan Priestley briefed the board on Senate File 592, signed by Governor Reynolds on May 1, 2025, amending Iowa Code Section 331.301. Key points:

- Counties must allow at least one accessory dwelling unit (ADU) on lots with a single-family residence, subject to state building codes and a size limit of 1,000 square feet or 50% of the primary residence's size, whichever is larger.
- ADUs cannot face stricter regulations than single-family homes regarding setbacks, height, or aesthetics.
- ADU permits must be approved administratively without public hearings, streamlining the process.
- Counties cannot require ADUs to be tied to specific uses (e.g., family or workers), voiding conflicting ordinances.
- Strategic placement of ADUs was advised to facilitate future lot splits and maintain property value, with considerations for wells, septic systems, and driveway access.

The board discussed potential challenges, such as increased driveway density on farm-to-market roads and the need for county engineer input on access safety. No action was required, as this was an information item.

### **VARIANCE LEGISLATION UPDATE (INFORMATION ITEM)**

Dan Priestley updated the board on House File 652, which expands variance authority under Iowa Code Sections 335.15 and 414.12. The legislation shifts focus from economic hardship to practical difficulty, allowing more flexibility for setbacks and dimensional requirements. Applicants must prove the difficulty is unique and not self-created, and the variance must not alter the neighborhood's character. The board noted this aligns with their criteria and supports reasonable development. No action was required.

### **NUCLEAR ENERGY FACILITY DISCUSSION (INFORMATION ITEM)**

Dan Priestley reported on the Zoning Commission's discussions on nuclear energy facilities. The commission is exploring defining nuclear facilities in the zoning ordinance to address permitting proactively, balancing flexibility

with clear definitions. Assistant County Attorney Joshua Widman advised enumerating nuclear facilities separately from general electrical energy generation to strengthen legal defensibility. A proposed 10-mile notification radius for nuclear projects was discussed, compared to the standard 500 feet for most conditional uses. Recent federal executive orders aim to streamline nuclear permitting, and the county is monitoring these developments. Public engagement remains low, but the commission aims to recommend ordinance changes to the Board of Supervisors. No action was required.

#### **BORROW PIT ZONING ORDINANCE TEXT AMENDMENT (INFORMATION ITEM)**

Dan Priestley discussed a proposed amendment to allow conditional use permits for borrow pits in the Agricultural Estates (AE) Zoning District, aligning it with the Agricultural Preservation (AP) District. Currently, borrow pits are prohibited in AE, despite similar land use characteristics. The amendment addresses practical needs for landowners to remove and sell dirt, especially for non-farmers, while ensuring public notification due to impacts like noise and traffic. The Zoning Commission voted 4-0 to recommend the amendment to the Board of Supervisors, with public hearings planned. No action was required.

#### **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA.**

Chairperson Hair reopened public comment on non-agenda matters. No comments.

#### **STAFF UPDATE**

Dan Priestley urged the board to monitor upcoming Board of Supervisors' discussions on nuclear facilities and borrow pits, emphasizing ongoing zoning issues and encouraging communication.

#### **BOARD MEMBER COMMENT OR INQUIRY**

Chair Hair invited board member comments or inquiries. None.

#### **MOTION TO ADJOURN**

- **Motion:** Tom Thiesen moved to adjourn.
- **Second:** Doyle Turner.
- **Vote:** Unanimous in favor (ayes).
- **Outcome:** Meeting adjourned at an unspecified time.

The meeting ended at 7:08 PM