



WOODBURY COUNTY ZONING COMMISSION

Monday, June 23, 2025 at 5:00 PM

The Zoning Commission will hold a public meeting on **Monday, June 23, 2025 at 5:00 PM** in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting and public hearings on the agenda may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 638 086 537#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
4	APPROVAL OF MINUTES FROM PREVIOUS MEETING(S) (ACTION ITEM)
5	ITEM(S) OF BUSINESS
»	PUBLIC HEARING (ACTION ITEM): FOR THE CONSIDERATION OF NUCLEAR ENERGY FACILITIES AND NUCLEAR WASTE STORAGE TO BE INCLUDED AS PART OF THE WOODBURY COUNTY ZONING ORDINANCE. SUMMARY: The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of nuclear energy facilities, nuclear waste storage, and/or related uses as land use options in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting these facilities, including and not limited to nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and other related nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate nuclear energy facilities, nuclear waste storage and/or related uses as either allowed or conditional uses in specific zoning districts such as the General Industrial (GI) Zoning District within Woodbury County. It will also address the public notification requirements including and not limited to appropriate notification distances for nuclear related public meetings and hearings. Additionally, the discussions may include amendments to add new sections related to nuclear energy facilities and nuclear waste storage and/or related uses, update definitions, renumber articles, sections, and pages, and/or reorganize the content of the Zoning Ordinance as necessary. The goal of the hearing is to gather public input and determine the appropriate way to address the potential inclusion of nuclear-related land uses in the Woodbury County Zoning Ordinance in terms of preparing a recommendation to the Woodbury County Board of Supervisors.
»	PUBLIC HEARING (ACTION ITEM): FOR THE CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS FOR ACCESSORY DWELLING UNITS TO COMPLY WITH IOWA SENATE FILE 592. SUMMARY: The Woodbury County Zoning Commission will hold a public hearing to discuss Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to ensure compliance with Iowa Senate File 592, signed into law by Governor Kim Reynolds on May 1, 2025. Senate File 592 mandates that counties allow at least one accessory dwelling unit (ADU) on the same lot as a single-family residence, subject to specific conditions, and prohibits certain restrictive regulations. The Zoning Commission will examine how to align the zoning ordinance with these requirements, including but not limited to the Land Use Summary Table of Allowed Uses (Section 3.03.4), Lot Requirements (Section 4.04), Number of Residential Structures (Section 4.04.2), and potentially other applicable sections. The hearing aims to gather public input to develop appropriate ordinance language and prepare a recommendation for the Woodbury County Board of Supervisors to ensure compliance with Iowa Senate File 592.

»	REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): FROM KEVIN HEISS (APPLICANT) OF RENT PROPERTIES LLC (OWNER) TO CONSTRUCT AND OPERATE AN OFF-PREMISE 14' X 48' LED BILLBOARD (DOUBLE-SIDED) ON PARCEL #884606100002. SUMMARY: Kevin Heiss, representing Rent Properties LLC, has submitted a conditional use permit (CUP) application to construct and operate a 14' x 48' LED billboard (double-sided) for off-premise advertising. The property is located in the N 2/3 of the N 1/2 of the NW 1/4, Section 6, Township 88N, Range 46W (Floyd Township), identified as Parcel 884606100002. It is proposed to be situated along the south side of Highway 20 and the east side of Charles Avenue. The property is in the General Commercial (GC) Zoning District, where "off-premise advertising signs (e.g. Billboards)" are classified as a conditional use under Section 3.03.4 and Section 5.02.8 of the Woodbury County Zoning Ordinance, subject to review by the Zoning Commission and approval by the Board of Adjustment.
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
7	STAFF UPDATE (INFORMATION ITEM)
8	COMMISSIONER COMMENT OR INQUIRY (INFORMATION ITEM)
9	ADJOURN

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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=HoUh4lVeBoI>

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



WOODBURY COUNTY PLANNING & ZONING

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PRELIMINARY REPORT – REVISED 6-18-25

Consideration of Nuclear Energy Facilities and Nuclear Waste Storage

SCENARIO BEFORE THE ZONING COMMISSION:

The debate over nuclear energy and nuclear waste storage centers on the "permitting mechanism" within the county's zoning ordinance. The Land Use Summary table lists "electrical energy generation (not incl. wind)," which could potentially be interpreted as a "nuclear energy facility" conditional use in the General Industrial (GI) Zoning District. Similarly, "chemical and gas bulk storage" might be construed as "nuclear waste storage." A company could apply for a Conditional Use Permit (CUP) under these categories, leaving it to the Zoning Commission and Board of Adjustment to decide if such uses comply with Section 2.02.9 F(1)(a). This section states that a conditional use must be authorized in the zoning district and meet any specified conditions or standards. While the Commission and Board could interpret these categories to include nuclear-related uses, the county attorney's office advises that a use as significant as nuclear energy or waste storage should be explicitly defined as a distinct category, given the potential for legal challenges to such broad interpretations. The current discussion is not about approving specific projects but about whether "nuclear energy facilities" and "nuclear waste storage" should be clearly defined in the ordinance and how the conditional use permit process would apply. Under existing regulations, if an application for a nuclear energy facility or waste storage site were submitted, the Zoning Commission and Board of Adjustment could review it, but the public notification area would be limited to 500 feet from the site. This report proposes defining these uses explicitly and expanding the notification radius to ten miles. Per Section 2.01.4 D(1), the Zoning Commission is tasked with recommending district boundaries, regulations, and restrictions, and under Section 2.01.4 D(4), it can propose ordinance amendments to the Board of Supervisors. While this debate does not guarantee future applications, it addresses how the county would handle a scenario where an applicant, possibly after filing with the Nuclear Regulatory Commission, seeks a CUP under the current vague categories of "electrical energy generation" or "chemical and bulk storage." The key question is whether the county is prepared for such possibilities.

GENERAL SUMMARY:

This report includes information that could be considered to amend the Woodbury County Zoning Ordinance to explicitly designate "**Nuclear Energy Facilities**" and "**Nuclear Waste Storage**" as conditional uses within the General Industrial (GI) Zoning District under the Land Use Summary Table (Section 3.03.4). Currently, these uses are not specifically listed, though staff have interpreted them as falling under "**electrical energy generation (not incl. wind)**" and "**chemical and gas bulk storage**," both conditional uses in the GI district. However, the County Attorney's Office has highlighted legal concerns in relying on this interpretation, as courts may not uphold unlisted uses, and the table's "comprehensive" nature suggests their exclusion may be intentional. The GI district's suitability for heavy industrial activities, including its infrastructure and separation from residential areas, supports potentially adding these nuclear-related uses.

Proposed amendments include: (1) updating Section 2.02.1 B(1)(e) to require a ten-mile notification radius for nuclear-related conditional use permits, reflecting their scale and public sensitivity; (2) adding "Nuclear Energy Facilities" and "Nuclear Waste Storage" as conditional uses in the GI district under Section 3.03.4; and (3) introducing definitions in Article 6 to ensure clarity and compliance with federal and state regulations, such as those of the Nuclear Regulatory Commission (NRC). These changes align with the Woodbury County Comprehensive Plan's goals of supporting technological advances and energy diversification while enhancing legal clarity and public transparency. Public input and regulatory oversight will remain critical to future consideration, ensuring safety and community alignment as nuclear technology evolves.

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO INCLUDE THE USES OF NUCLEAR ENERGY FACILITIES AND NUCLEAR WASTE STORAGE AS ENERGY AND NUCLEAR WASTE STORAGE OPTIONS IN UNINCORPORATED WOODBURY COUNTY AND TO ALLOW FOR THE CONSIDERATION OF SUCH FACILITIES IN GENERAL INDUSTRIAL ZONING AREAS AS CONDITIONAL USES.

WHEREAS, the Woodbury County Comprehensive Plan 2040, adopted on May 7, 2024, in Chapter 4 (Public Infrastructure and Utilities), encourages “supporting the development of diverse energy sources and planning ahead for regulations around these facilities will put the county in a position to embrace those that are appealing to residents and beneficial to the economy” on pages 71-72; and

WHEREAS, the Woodbury County Zoning Ordinance, in Section 3.03.4 (Land Use Summary Table of Allowed Uses), currently classifies "Electrical Energy Generation (not including wind)" as a conditional use within the General Industrial (GI) Zoning District, demonstrating an existing framework for accommodating advanced energy production facilities in areas designated for industrial activity; and

WHEREAS, the Zoning Ordinance also classifies "Chemical and gas bulk storage" as a conditional use in the GI Zoning District under Section 3.03.4, providing a precedent for the safe management and storage of potentially hazardous materials, which supports the inclusion of nuclear waste storage as a compatible conditional use within the same zoning classification; and

WHEREAS, the General Industrial (GI) Zoning District, as described in Section 3.01 of the Zoning Ordinance, is intended to provide for the orderly development of heavy commercial, warehousing, and limited industrial uses, with appropriate sites featuring excellent infrastructure and transportation access, making it a suitable location for the establishment of nuclear energy facilities and nuclear waste storage; and

WHEREAS, the addition of definitions for "Nuclear energy facilities" and "Nuclear waste storage" in Article 6, Section 6.02 of the Zoning Ordinance, ensures clarity and consistency in the application of the ordinance, specifying that such facilities must comply with federal and state regulations, including those of the Nuclear Regulatory Commission (NRC), thereby reinforcing the County’s commitment to safety and regulatory oversight; and

WHEREAS, the Comprehensive Plan 2040, in Chapter 6 (Land Use and Natural Resources), emphasizes the importance of balancing economic development with environmental stewardship, and the inclusion of nuclear energy facilities and nuclear waste storage as conditional uses in the GI Zoning District supports this balance by leveraging existing industrial zones to minimize impacts on agricultural and residential areas; and

WHEREAS, the conditional use process outlined in Section 2.02.9 of the Zoning Ordinance provides a mechanism for the Woodbury County Zoning Commission to recommend and for the Woodbury County Board of Adjustment to evaluate and impose specific conditions on nuclear energy facilities and nuclear waste storage, ensuring compatibility with surrounding land uses and adherence to the Comprehensive Plan's vision for sustainable growth; and

WHEREAS, the exploration of nuclear energy as an alternative energy source responds to the County's proactive approach to energy planning, as evidenced by the Board of Supervisors' approval on July 2, 2024, to investigate zoning for nuclear power; and

WHEREAS, the proposed ordinance amendment enhances Woodbury County's ability to attract economic development opportunities in the energy sector, potentially replacing or supplementing existing energy infrastructure while maintaining the County's rural character and agricultural focus as prioritized in the Comprehensive Plan 2040;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby supports the passage of this Zoning Ordinance Text Amendment to include nuclear energy facilities and nuclear waste storage as conditional uses in the General Industrial Zoning District, consistent with the goals and policies of the Woodbury County Comprehensive Plan 2040 and the regulatory framework of the Woodbury County Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendments:

On page 8: To repeal Section 2.02.1 B(1)(e) as follows:

For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport or a sanitary landfill, or construction of a telecommunication tower as provided in subsection 5.06-3, notices shall be mailed to all owners of real property located within one mile of the subject property.

On page 8: To replace Section 2.02.1 B(1)(e) with the following:

For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport, a sanitary landfill, a

nuclear energy facility, a nuclear waste storage facility, construction of a telecommunication tower as provided in subsection 5.05, or a Utility-Scale Solar Energy System (US-SES) as provided in subsection 5.08, notices shall be mailed to all owners of real property located within one mile of the subject property for an airport, sanitary landfill, telecommunication tower, or Utility-Scale Solar Energy System (US-SES), and within ten miles of the subject property for a nuclear energy facility or nuclear waste storage facility.

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:

“Nuclear energy facilities”. With placement of the letter “C” within the GI (General Industrial) Zoning Districts column on the table related to this line-item use.

“Nuclear waste storage”. With placement of the letter “C” within the GI (General Industrial) Zoning Districts Columns on the table related to this line-item use.

On page 104: To add the following definition, “Nuclear energy facility” as definition 112 to Article 6. Definitions. Section 6.02: Definitions as “112. Nuclear energy facility” means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives.

On page 105: To add the following definition, “Nuclear waste storage” as definition 113 to Article 6. Definitions. Section 6.02: Definitions as “113. Nuclear waste storage” means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security.

Following the addition of the new definitions as described above: to renumber each of the subsequent definitions beginning with 114 through 193 and to note the shift of the subsequent definitions to new page locations between pages 104 to 110 and to add page 110.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Daniel Bittinger II, Chairman

Mark Nelson, Vice-Chairman

Kent Carper

Attest:

David Dietrich

Michelle K. Skaff, Woodbury County Auditor

Matthew Ung

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 _____

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**

Section 3.03.4 of the Woodbury County Zoning Ordinance contains the "**Land Use Summary Table of Allowed Uses in Each Zoning District**," which categorizes permitted land uses across zoning districts. Under the current table:

- **Utilities Category:** "Electrical energy generation (not incl. wind)" is listed as a conditional use ("C") in the General Industrial (GI) Zoning District but prohibited ("--") in all other districts.
- **Warehousing and Freight Handling Category:** "Chemical and gas bulk storage" is a conditional use ("C") in the GI Zoning District, permitted in the Limited Industrial (LI) Zoning District, and prohibited elsewhere.

Staff initially interpreted these categories under Section 3.03.4 of the Woodbury County Zoning Ordinance as encompassing "**nuclear energy facilities**" and "**nuclear waste storage**" due to operational and regulatory similarities:

1. **Nuclear Energy Facilities vs. Electrical Energy Generation:**
 - Both involve large-scale industrial processes for energy production.
 - They require significant infrastructure (e.g., reactors, turbines, transmission systems), stringent safety protocols, and compliance with environmental regulations.
 - Nuclear facilities produce electricity via controlled reactions, aligning with the broader intent of energy generation in industrial zones.
2. **Nuclear Waste Storage vs. Chemical and Gas Bulk Storage:**
 - Both manage hazardous materials requiring specialized containment and safety measures.
 - They are subject to rigorous regulatory oversight and are ideally located in industrial zones to minimize risks to residential areas.

However, this administrative interpretation **lacks explicit clarity** in the ordinance, prompting further review.

County Attorney's Office Review

The Woodbury County Attorney's Office, via Assistant County Attorney Joshua Widman, advised against relying solely on administrative interpretation due to potential legal vulnerabilities:

- Zoning ordinances define permissible land uses. Courts may not uphold an administrator's interpretation that "electrical energy generation" includes nuclear facilities or that "chemical and gas bulk storage" covers nuclear waste if these uses are not explicitly listed. This ambiguity could lead to litigation, delaying or halting projects.
- The Land Use Summary Table is described as "comprehensive." Since nuclear uses existed when the ordinance was drafted, their absence might be interpreted as intentional exclusion rather than an oversight, weakening the case for inclusion via interpretation.
- Section 2.02.1 B(1)(e) mandates a 500-foot notification radius for conditional use permits (CUPs), with exceptions (e.g., airports, landfills) requiring 1,000 feet. Nuclear projects, given their scale and public sensitivity, may warrant a larger radius, necessitating an amendment.

Zoning Staff take-away: Amending the ordinance to explicitly list "Nuclear Energy Facilities" and "Nuclear Waste Storage" as conditional uses in the GI Zoning District provides legal clarity, reduces risk, and ensures alignment with the ordinance's intent.

Compatibility with the General Industrial (GI) Zoning District

The GI Zoning District is designed for heavy industrial activities, including manufacturing, processing, and hazardous material storage. Adding nuclear-related uses as conditional uses aligns with its purpose:

- **Infrastructure Suitability:** The GI district offers large parcels, transportation access, and utility availability necessary for energy production and waste management.
- **Buffer Zones:** Its separation from residential areas mitigates risks associated with nuclear operations.
- **Regulatory Oversight:** Nuclear facilities and waste storage are governed by federal (e.g., Nuclear Regulatory Commission, 10 CFR Part 50) and state regulations

Proposed Amendments to the Zoning Ordinance

To address the identified issues, the following amendments could be considered:

1. Amend Notification Requirements (Section 2.02.1 B(1)(e), Page 8)

- **Current Text:**
"For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport or a sanitary landfill, or construction of a telecommunication tower as provided in subsection 5.06-3, notices shall be mailed to all owners of real property located within one mile of the subject property."
- **Proposed Repeal and Replacement:**
"For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport, a sanitary landfill, a nuclear energy facility, a nuclear waste storage facility, or construction of a telecommunication tower as provided in subsection 5.05, notices shall be mailed to all owners of real property located within one mile of the subject property for an airport, sanitary landfill, or telecommunication tower, and within ten miles of the subject property for a nuclear energy facility or nuclear waste storage facility."
- **Rationale:** A ten-mile notification radius for nuclear uses reflects their unique scale, potential impact, and public interest, ensuring broader stakeholder engagement and transparency beyond the standard 500 feet or the 1,000 feet used for other significant uses. Also, as a point of housekeeping, it is recommended to change the referenced section regarding telecommunication towers from 5.06-3 to 5.05 to reflect the correct reference.

2. Update the Land Use Summary Table (Section 3.03.4, Page 39)

- **Addition under "Utilities" Category:**
 - "Nuclear energy facilities" – Place a "C" in the GI Zoning District column.
 - "Nuclear waste storage" – Place a "C" in the GI Zoning District column.
- **Updated Table Snapshot:**

Utility Type	GI Status	Notes
Existing: Electrical energy generation (not incl. wind)	C	Conditional use, energy production
Existing: Solar Energy Systems, Utility Scale	C	Conditional use, renewable energy
Existing: Chemical and gas bulk storage	C	Conditional use, hazardous materials
Proposed: Nuclear Energy Facilities	C	Amendment addition, nuclear energy generation
Proposed: Nuclear Waste Storage	C	Amendment addition, nuclear waste management

- **Rationale:** Explicitly listing these uses clarifies their status as conditional in the GI district (and removing the reliance on an administrative interpretation), aligning with similar energy and hazardous material activities while subjecting them to the CUP process.

3. Add Definitions (Article 6, Section 6.02, Pages 104-105)

- **New Definition 112 (Page 104):**
"Nuclear energy facility means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives."
- **New Definition 113 (Page 105):**
"Nuclear waste storage means any facility, structure, or area designated and engineered for the safe containment,

isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security."

- **Subsequent Adjustments:** Renumber existing definitions 112–193 as 114–195 and adjust page locations (pages 104–110, adding page 110 as needed).
- **Rationale:** Precise definitions ensure legal and operational clarity, tying these uses to federal oversight and distinguishing them from other energy or storage activities.

Alignment with Comprehensive Plan

The amendments comport with the Woodbury County Comprehensive Plan (Chapter 4, Page 81):

- **Goal IU3:** "Support technological advances."
 - **Objective:** "Work with energy providers to diversify sources."
 - **Timeframe:** 0-5, 5-10, 10-20 years. (Page 155-156)
 - **Lead Partners:** Board of Supervisors, utility companies. (Page 155-156)
 - **Cost:** Moderate (\$\$).(Page 155-156)
- Nuclear energy represents a technological advancement in energy diversification, and the GI district's industrial designation aligns with the plan's intent to separate heavy industrial uses from residential and agricultural areas.
- **Source:**
https://www.woodburycountyiowa.gov/files/community_economic_development/woodbury_county_comprehensive_plan_2040_89417.pdf

Moving Forward: Public and Regulatory Considerations

As nuclear technology evolves (e.g., modular reactors, nuclear waste storage, etc.), Woodbury County has an opportunity to clarify its zoning policy toward "electrical energy generation" and "chemical and gas bulk storage." Key questions for stakeholders include:

1. Do citizens view nuclear energy including its waste storage as a viable future option?
2. Are specific areas within the GI district suitable for nuclear facilities?

Public input, alongside industry feedback, would guide any future conditional use permit projects. Any nuclear project would require:

- **County Process:** A conditional use permit reviewed by the Zoning Commission and Board of Adjustment.
- **External Oversight:** Compliance with Nuclear Regulatory Commission (NRC) and state regulations, ensuring safety and environmental standards are met.

By amending the ordinance, the county could reduce legal uncertainty by removing the interpretation and align with its industrial zoning framework.

Conclusion

Amending the Woodbury County Zoning Ordinance to explicitly include "Nuclear Energy Facilities" and "Nuclear Waste Storage" as conditional uses in the GI Zoning District, with updated definitions and a ten-mile notification radius, provides clarity, reduces legal concerns, and supports long-term planning. This step would remove the administrative interpretation and bring the unique case before the Zoning Commission and Board of Adjustment under a defined framework to evaluate the criteria of a conditional use permit application for a nuclear energy facility and/or a nuclear waste storage site.

DEFINITIONS AND TERMINOLOGY OF INTEREST

Nuclear energy facility means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives.

Explanation of Definition:

This definition incorporates concepts from multiple NRC regulations, particularly those in 10 CFR Part 50, which governs the domestic licensing of production and utilization facilities. The NRC uses terms like "production facility" and "utilization facility" to describe facilities involved in nuclear energy production, and these terms are defined in 10 CFR § 50.2. Here's how the definition aligns with specific regulatory sources:

1. **"Facility designed or used for the generation of electricity or power through nuclear fission or fusion":**
 - This aligns with the definition of a "utilization facility" in **10 CFR § 50.2**, which states:
"Utilization facility means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233; or An accelerator-driven subcritical operating assembly used for the irradiation of materials containing special nuclear material and described in the application assigned docket number 50-608."
 - Nuclear reactors for electricity generation (typically fission-based) are the primary focus of Part 50, as it regulates commercial nuclear power plants. Fusion is not currently regulated under Part 50, as it is not yet commercially viable, but the inclusion here may reflect a broad interpretation.
 - **Citation:** 10 CFR § 50.2, available at:
<https://www.ecfr.gov/current/title-10/chapter-I/part-50/section-50.2>
2. **"Including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy":**
 - The term "structures, systems, or components" (SSCs) is a key concept in NRC regulations, particularly in safety-related contexts. While not explicitly defined as part of a "nuclear energy facility" in one place, **10 CFR § 50.2** defines "safety-related structures, systems, and components" as those relied upon to ensure reactor safety, which implies their inclusion in the facility's scope.
 - The phrase "production of atomic energy" echoes the Atomic Energy Act of 1954 (AEA), which underpins NRC authority (see 42 U.S.C. § 2014), defining "atomic energy" as energy released from fission or fusion.
 - **Citation:** 10 CFR § 50.2 (see URL above); Atomic Energy Act, Section 11, available at:
<https://www.nrc.gov/about-nrc/governing-laws.html> (via NUREG-0980).
3. **"Handling, processing, or temporary storage of nuclear materials or byproduct materials":**
 - This broadens the scope beyond power generation to include activities regulated under 10 CFR Part 50 and related parts (e.g., Part 30 for byproduct material). **10 CFR § 50.2** defines "byproduct material" and "special nuclear material," and licensing under Part 50 includes provisions for handling and temporary storage (e.g., spent fuel pools at reactor sites).
 - **Citation:** 10 CFR § 50.2 (see URL above).
4. **"In compliance with federal and state regulatory requirements as administered by the NRC":**
 - This reflects the NRC's authority under the AEA and Energy Reorganization Act of 1974, delegated through 10 CFR Part 50, which sets licensing and operational requirements for nuclear facilities. Agreement States (under AEA Section 274) may regulate certain materials, but Part 50 facilities are under NRC jurisdiction unless specified otherwise.
 - **Citation:** 10 CFR Part 50, available at:
<https://www.ecfr.gov/current/title-10/chapter-I/part-50>

Conclusion:

The definition is a composite derived from **10 CFR § 50.2** definitions (e.g., "utilization facility," "byproduct material") and the broader regulatory purpose of Part 50, which licenses nuclear power reactors and associated activities. The primary source is **10 CFR § 50.2**, supplemented by the AEA's foundational terminology.

Nuclear waste storage means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security.

Explanation of Definition

1. Facility, structure, or area designated and engineered for the safe containment, isolation, or disposal" aligns with language in NRC regulations, such as 10 CFR Part 60 (Disposal of High-Level Radioactive Wastes in Geologic Repositories) and 10 CFR Part 72 (Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste).
2. "Byproduct material, special nuclear material, or other radioactive materials" reflects definitions in 10 CFR Part 20 (Standards for Protection Against Radiation) and the Atomic Energy Act of 1954, as amended.

3. "Generated from nuclear energy facilities" ties to the scope of 10 CFR Part 50, which covers domestic licensing of production and utilization facilities (e.g., nuclear power reactors).
4. "Temporary or permanent storage solutions" and "complies with federal regulations under 10 CFR Part 50 and related parts" suggest a broad interpretation encompassing both interim storage (e.g., 10 CFR Part 72) and permanent disposal (e.g., 10 CFR Part 60 or 61).
5. "Subject to oversight by the NRC to protect public health, safety, and the common defense and security" mirrors the NRC's mission and regulatory authority as stated in its enabling legislation and regulations.

Related Sources:

- **10 CFR Part 50:** This part addresses the licensing of nuclear power plants but does not explicitly define "nuclear waste storage." It indirectly relates through requirements for managing radioactive materials (e.g., 10 CFR 50.2 defines terms like "byproduct material" and "special nuclear material"). Available at: <https://www.ecfr.gov/current/title-10/chapter-I/part-50>.
- **10 CFR Part 72:** This part provides a more direct connection, defining terms and requirements for independent spent fuel storage installations (ISFSIs), which are engineered for the "storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste." See: <https://www.ecfr.gov/current/title-10/chapter-I/part-72>.
- **NRC Background on Radioactive Waste:** This provides a general overview of radioactive waste management, including storage: <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/radwaste.html>.

Conclusion:

The definition is not explicitly stated in any single NRC regulation or document but appears to be a composite derived from multiple sources, primarily within the Code of Federal Regulations, Title 10, administered by the NRC. The most relevant specific URL for the regulatory framework underpinning this definition would be the NRC's compilation of regulations, such as: <https://www.ecfr.gov/current/title-10/chapter-I> (Title 10, Chapter I – Nuclear Regulatory Commission).

NRC Emergency Planning Zone

1. The following URL includes safety zones including a 10-mile Plume Exposure Pathway EPZ and 50-mile Ingestion Exposure Pathway EPZ, which could serve as the basis for public notification and emergency planning.
2. URL: <https://www.nrc.gov/about-nrc/emerg-preparedness/about-emerg-preparedness/planning-zones.html>

NRC Licensing

- <https://www.nrc.gov/about-nrc/regulatory/licensing.html>

NRC Public Involvement in Licensing

- <https://www.nrc.gov/about-nrc/regulatory/licensing/pub-involve.html>

Nuclear Power Plant

- A nuclear power plant is a thermal power station that harnesses energy from nuclear fuel fission. Here's how it works: the heat released during fission boils water, producing steam. This steam drives a turbine connected to a generator, ultimately producing electricity.

Small Modular Reactors (SMR)

- Type of advanced nuclear reactor designed to be smaller in size and capacity compared to traditional nuclear reactors.
- Characteristics:
 - Small Size. SMRs have a power capacity of up to 30 MW per unit, which is about one-third of the capacity of conventional nuclear reactors.
 - Modular Construction. These reactors are designed to be factory-assembled and transported to the site for installation.
 - Flexibility. SMRs can be deployed in single or multiple modules, making them suitable for a variety of application, including industrial use and remote areas with limited grid capacity.
 - Safety. Many SMR designs incorporate passive safety features, which rely on natural physical processes rather than active controls to ensure safety.

NUCLEAR PROCESS BEFORE THE NUCLEAR REGULATORY COMMISSION

Nuclear energy power plants including their establishment is primarily governed by the United States Nuclear Regulatory Commission (NRC). The NRC has a significant amount of control over the permitting and operation of such plants. Companies who wish to get involved in nuclear must directly work with the NRC through the process of obtaining an "Early site permit (ESP)." An example of this process can be found at the following NRC website:

<https://www.nrc.gov/reactors/new-reactors/large-lwr/esp/north-anna.html>

This website illustrates the process for the North Anna Site that was submitted by Dominion Nuclear North Anna, LLC. It includes application information, a review schedule, a safety evaluation report, a final environmental impact statement, the North Anna Early Site Permit, and contacts. There is also a "combined license process" which includes construction and operation approvals. The applicants must provide detailed plans for the plant's design, construction, and operation as well as safety measures. It is the duty of the NRC to thoroughly review the submissions. The following website includes a list of combined license applications for new reactors: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col.html>

An example of a combined license can be found at this link for the North Anna, Unit 3 site: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col/north-anna.html>. The application materials include: referenced documents; application information; review schedule; safety evaluations; early site permit; final supplemental environmental impact statement; combined licenses; related application information; and contacts. In the combined license process, the application is reviewed and includes a public participation process, safety and environmental reviews and compliance with the National Environmental Policy Act (NEPA). The NRC also is involved in design certification, construction and operation, and post-license oversight.

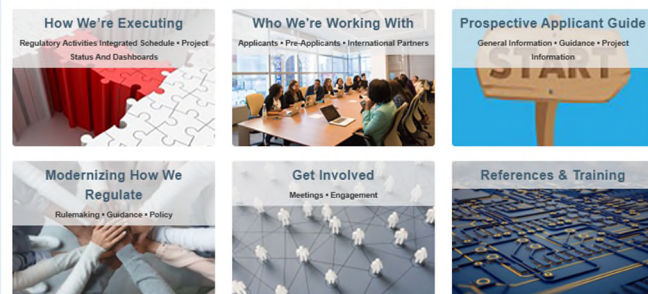
It appears at this time that the permitting process for nuclear power plants including modular is a multi-governmental complex process largely governed by the NRC. The Iowa legislature appears to have considered two study bills (House Study Bill 555 and Senate Study Bill 3075) which would designate modular nuclear as an alternative energy production facility in Iowa. For more information, there is a January 25, 2024 article written by Wally Taylor entitled “Iowa Utilities bill includes a good idea – and a lost cause” <https://www.bleedingheartland.com/2024/01/25/iowa-utilities-board-bill-includes-a-good-idea-and-a-lost-cause/>

Nuclear Regulatory Commission Website Resources – Excerpts from NRC.GOV

Source: <https://www.nrc.gov/reactors/new-reactors/advanced.html>

Advanced Reactors

The NRC refers to non-light water reactor (non-LWR) designs and small modular light water reactors (SMRs) as advanced reactors. These reactors incorporate innovative technologies compared to existing operating reactors, such as passive safety features, alternative fuel or coolant types, or smaller reactor sizes. While non-LWRs use distinct technologies and materials, SMRs are a subset of light water reactors that are designed to be more compact, scalable, and potentially safer, with many sharing features like passive safety systems and advanced engineering designs.



Related Information



Page Last Reviewed/Updated Tuesday, March 04, 2025

Laws and Regulations



New nuclear reactor licensing is a complex, multi-year process governed by both federal laws passed by the U.S. Congress and regulations developed by the NRC. The [Federal laws governing the NRC](#) generally have high-level directives for the civilian use of nuclear materials. The finer details of reactor licensing and other civilian uses are found in [Title 10 of the Code of Federal Regulations](#) (10 CFR). The NRC develops and issues these regulations for all areas under its jurisdiction. All U.S. civilian uses of materials must comply with federal laws and the regulations in 10 CFR.

Governing Legislation

The NRC was established by the Energy Reorganization Act of 1974. A summary and a text of this law, as well as other key laws that govern our operations, are provided below. The texts of other laws may be found in [Nuclear Regulatory Legislation](#) (NUREG-0980).

This page includes links to files in non-HTML format. See [Plugins, Viewers, and Other Tools](#) for more information.

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- [Low-Level Radioactive Waste Policy Amendments Act of 1985](#)
- [Uranium Mill Tailings Radiation Control Act of 1978](#)
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- [Administrative Procedure Act \(5 U.S.C. Chapters 5 through 8\)](#)
- [National Environmental Policy Act](#)

Fundamental Laws Governing Civilian Uses of Nuclear Materials and Facilities

- [Atomic Energy Act of 1954, as Amended \(summary below, full-text version\)](#)
- [Energy Reorganization Act of 1974 \(summary below, full-text version\)](#)
- [Reorganization Plans \(summary below, full-text version\)](#)

Nuclear Waste

- [Nuclear Waste Policy Act of 1982 \(summary below, full-text version\)](#)
- [Low-Level Radioactive Waste Policy Amendments Act of 1985 \(summary below, full-text version\)](#)
- [Uranium Mill Tailings Radiation Control Act of 1978 \(summary below, full-text version\)](#)

Non-Proliferation

- [Nuclear Non-Proliferation Act of 1978 \(summary below, full-text version\)](#)

Fundamental Laws Governing the Processes of Regulatory Agencies

- [Administrative Procedure Act \(5 U.S.C. Chapters 5 through 8\) \(summary below, full-text version\)](#)
- [National Environmental Policy Act \(summary below, full-text version\)](#)



Atomic Energy Act of 1954, as Amended

This Act is the fundamental U.S. law on both the civilian and the military uses of nuclear materials. On the civilian side, it provides for both the development and the regulation of the uses of nuclear materials and facilities in the United States, declaring the policy that "the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise." The Act requires that civilian uses of nuclear materials and facilities be licensed, and it empowers the NRC to establish by rule or order, and to enforce, such standards to govern these uses as "the Commission may deem necessary or desirable in order to protect health and safety and minimize danger to life or property." Commission action under the Act must conform to the Act's procedural requirements, which provide an opportunity for hearings and Federal judicial review in many instances.

Under section 274 of the Act, the NRC may enter into an agreement with a State for discontinuance of the NRC's regulatory authority over some materials licensees within the State. The State must first show that its regulatory program is compatible with the NRC's and adequate to protect public health and safety. The NRC retains authority over, among other things, nuclear power plants within the State and exports from the State.

A major amendment to the Act established compensation for, and limits on, licensee liability for injury to off-site persons or damage to property caused by nuclear accidents. The Act was most recently amended by the [ADVANCE Act of 2024](#), including amendments to the Act's definition of byproduct material to address fusion machines explicitly and to provide the NRC with additional tools to strengthen the NRC workforce.

[\(full-text version\)](#)



Energy Reorganization Act of 1974

This Act established the Nuclear Regulatory Commission. Under the Atomic Energy Act of 1954, a single agency, the Atomic Energy Commission, had responsibility for the development and production of nuclear weapons and for both the development and the safety regulation of the civilian uses of nuclear materials. The Act of 1974 split these functions, assigning to one agency, now the Department of Energy, the responsibility for the development and production of nuclear weapons, promotion of nuclear power, and other energy-related work, and assigning to the NRC the regulatory work, which does not include regulation of defense nuclear facilities. The Act of 1974 gave the Commission its collegial structure and established its major offices. The later amendment to the Act also provided protections for employees who raise nuclear safety concerns.

[\(full-text version\)](#)



Reorganization Plans

Reorganization Plan No. 3 of 1970 established the U.S. Environmental Protection Agency (EPA) and gave it a role in establishing "generally applicable environmental standards for the protection of the general environment from radioactive material."

Reorganization Plan No. 1 of 1980 strengthened the executive and administrative roles of the NRC Chairman, particularly in emergencies, transferring to the Chairman "all the functions vested in the Commission pertaining to an emergency concerning a particular facility or

materials ... regulated by the Commission." This Reorganization Plan also provided that all policy formulation, policy-related rulemaking, and orders and adjudications would remain vested with the full Commission.

[\(full-text version\)](#)

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Nuclear Waste Policy Act of 1982, as Amended

This Act establishes both the Federal government's responsibility to provide a place for the permanent disposal of high-level radioactive waste and spent nuclear fuel, and the generators' responsibility to bear the costs of permanent disposal. Amendments to the Act have focused the Federal government's efforts, through the Department of Energy, regarding a possible site at Yucca Mountain, Nevada.

[\(full-text version\)](#)

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Low-Level Radioactive Waste Policy Amendments Act of 1985

This Act gives States the responsibility to dispose of low-level radioactive waste generated within their borders and allows them to form compacts to locate facilities to serve a group of States. The Act provides that the facilities will be regulated by the NRC or by States that have entered into Agreements with the NRC under section 274 of the Atomic Energy Act. The Act also requires the NRC to establish standards for determining when radionuclides are present in waste streams in sufficiently low concentrations or quantities as to be "below regulatory concern."

[\(full-text version\)](#)

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Uranium Mill Tailings Radiation Control Act of 1978

This Act establishes programs for the stabilization and control of mill tailings at uranium or thorium mill sites, both active and inactive, in order to prevent or minimize, among other things, the diffusion of radon into the environment. Title II of the Act gives the NRC regulatory authority over mill tailing at sites under NRC license on or after January 1, 1978.

[\(full-text version\)](#)

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Nuclear Non-Proliferation Act of 1978

This Act seeks to limit the spread of nuclear weapons by, among other things, establishing criteria governing U.S. nuclear exports licensed by the NRC and taking steps to strengthen the international safeguards system.

[\(full-text version\)](#)

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Administrative Procedure Act (5 U.S.C. Chapters 5 through 8)

This Act is the fundamental law governing the processes of Federal administrative agencies. Its original focus was on rulemaking and adjudication. It requires, for example, that affected persons be given adequate notice of proposed rules and an opportunity to comment on the proposed rules and that, in cases in which another statute requires that the agency provide a hearing "on the record," the parties are given adequate opportunity to present facts and argument and the hearing officer is impartial. The Act gives interested persons the right to petition an agency for the issuance, amendment, or repeal of a rule. It also provides standards for judicial review of agency actions. The Act has been amended often and now incorporates several other acts that cover a great range of processes. Three of these incorporated acts deal with access to information. The Freedom of Information Act requires that agencies make public their rules, adjudicatory decisions, statements of policy, instructions to staff that affect a member of the public, and, upon request, such other material as does not fall into one of the Act's exceptions for material dealing with national security, trade secrets, and the like. The Government in the Sunshine Act requires that collegial bodies such as the Commission hold their meetings in public, with certain exceptions for meetings on matters such as, again, national security. The Privacy Act limits release of certain information about individuals. Two of the acts incorporated into the Administrative Procedure Act provide for alternative mechanisms for resolving differences. The Negotiated Rulemaking Act allows agencies to develop rules in certain situations by negotiations among a limited number of parties, negotiations aimed at reaching a consensus on the proposed rule and avoiding litigation over the final rule. The Administrative Dispute Resolution Act urges agencies to use negotiation, mediation, arbitration, and related techniques in place of adjudication, enforcement, rulemaking, or court litigation.

Two other incorporated acts are noteworthy. The Regulatory Flexibility Act requires that agencies consider the special needs and concerns of small entities in conducting rulemaking. The Congressional Review Act requires that every agency rule be submitted to Congress before being made effective, and that every "major" rule sit before Congress for 60 days before being made effective, during which time the rule can be subjected to an accelerated process that can lead to a statutory modification or disapproval of the rule.

[\(full-text version\)](#)

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National Environmental Policy Act

Every proposal for a major Federal action significantly affecting the quality of the human environment requires a detailed statement on, among other things, the environmental impact of the proposed action and alternatives to the proposed action. The statement is to accompany the proposal through the agency review process. The Act also established in the Executive Office of the President a Council on

Environmental Quality, which has issued regulations on the preparation of environmental impact statements and on public participation in the preparation of the statements.

([full-text version](#))

NRC Regulations Title 10, Code of Federal Regulations

Requirements binding on all persons and organizations who receive a license from NRC to use nuclear materials or operate nuclear facilities

[Effective Dates](#) | [Federal Register Notices](#) | [Rulemaking](#)

See also NRC's regulations, Title 10, Chapter I, of the *Code of Federal Regulations*, [Volume 1 \(Parts 1 – 50\)](#) and [Volume 2 \(Parts 51 – 199\)](#) which the [Government Publishing Office](#) maintains and updates annually.

[Standards Incorporated By Reference into Chapter I of Title 10 of the Code of Federal Regulations](#)

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Chapter I -- Nuclear Regulatory Commission

Part	Title
Part 1	Statement of organization and general information
Part 2	Agency Rules of Practice and Procedure
Part 4	Nondiscrimination in Federally assisted programs or activities receiving Federal financial assistance from the Commission
Part 5	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
Part 7	Advisory committees
Part 8	[Reserved]
Part 9	Public records
Part 10	Criteria and procedures for determining eligibility for access to restricted data or national security information or an employment clearance
Part 11	Criteria and procedures for determining eligibility for access to or control over special nuclear material
Part 12	Implementation of the Equal Access to Justice Act in agency proceedings
Part 13	Program fraud civil remedies
Part 14	Administrative claims under Federal Tort Claims Act
Part 15	Debt collection procedures
Part 16	Salary offset procedures for collecting debts owed by Federal employees to the Federal government
Part 19	Notices, instructions and reports to workers: inspection and investigations
Part 20	Standards for protection against radiation
Part 21	Reporting of defects and noncompliance
Part 25	Access authorization
Part 26	Fitness for duty programs
Part 30	Rules of general applicability to domestic licensing of byproduct material
Part 31	General domestic licenses for byproduct material
Part 32	Specific domestic licenses to manufacture or transfer certain items containing byproduct material
Part 33	Specific domestic licenses of broad scope for byproduct material
Part 34	Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations
Part 35	Medical use of byproduct material
Part 36	Licenses and radiation safety requirements for irradiators
Part 37	Physical protection of category 1 and category 2 quantities of radioactive material
Part 39	Licenses and radiation safety requirements for well logging
Part 40	Domestic licensing of source material
Part 50	Domestic licensing of production and utilization facilities
Part 51	Environmental protection regulations for domestic licensing and related regulatory functions
Part 52	Licenses, certifications, and approvals for nuclear power plants
Part 53	[Reserved]

Part 54	Requirements for renewal of operating licenses for nuclear power plants
Part 55	Operators' licenses
Part 60	Disposal of high-level radioactive wastes in geologic repositories
Part 61	Licensing requirements for land disposal of radioactive waste
Part 62	Criteria and procedures for emergency access to non-federal and regional low-level waste disposal facilities
Part 63	Disposal of high-level radioactive wastes in a geologic repository at Yucca Mountain, Nevada
Part 70	Domestic licensing of special nuclear material
Part 71	Packaging and transportation of radioactive material
Part 72	Licensing requirements for the independent storage of spent nuclear fuel and high-level radioactive waste, and reactor-related greater than Class C waste
Part 73	Physical protection of plants and materials
Part 74	Material control and accounting of special nuclear material
Part 75	Safeguards on nuclear material—implementation of safeguards agreements between the United States and the International Atomic Energy Agency
Part 76	Certification of gaseous diffusion plants
Part 81	Standard specifications for the granting of patent licenses
Part 95	Facility security clearance and safeguarding of national security information and restricted data
Part 100	Reactor site criteria
Part 110	Export and import of nuclear equipment and material
Part 140	Financial protection requirements and indemnity agreements
Part 150	Exemptions and continued regulatory authority in Agreement States and in offshore waters under section 274
Part 160	Trespassing on Commission property
Part 170	Fees for facilities, materials, import and export licenses, and other regulatory services under the Atomic Energy Act of 1954, as amended
Part 171	Annual fees for reactor licenses and fuel cycle licenses and materials licenses, including holders of certificates of compliance, registrations, and quality assurance program approvals and government agencies licensed by the NRC
Parts 172-199	[Reserved]

ANNOTATED BIBLIOGRAPHY

The following annotated bibliography reveals several key themes surrounding nuclear energy. It begins with a foundational understanding of nuclear energy's scientific principles and its role in electricity generation, emphasizing its low-emission potential alongside the challenge of radioactive waste management. A significant focus is placed on the pros and cons, highlighting benefits like carbon-neutral power, reliability, and efficiency, while addressing drawbacks such as safety risks, high costs, and waste disposal concerns. Emerging technologies, including small modular reactors (SMRs) and high-assay low-enriched uranium (HALEU), are explored as innovative solutions offering enhanced safety and cost-effectiveness. Policy and regulatory efforts, particularly in the U.S., aim to streamline deployment and licensing to bolster the nuclear sector. Nuclear energy's role in combating climate change is underscored by its low carbon footprint, though economic factors like high capital costs and the need for government support remain critical. Finally, the persistent challenge of radioactive waste management is a recurring theme, with progress in interim storage and geological repositories tempered by delays, costs, and public opposition, leaving long-term solutions unresolved. Together, these themes reflect nuclear energy's complex balance of promise and peril.

Theme 1: General Overview and Science of Nuclear Energy

This theme covers sources that provide foundational explanations of nuclear energy, its scientific basis, and its role in energy production.

- **Endesa. (2022).** *Nuclear energy: what it is and its advantages and disadvantages*. Retrieved from <https://www.endesa.com/en/the-e-face/power-plants/nuclear-power>
 - The article aims to clarify nuclear energy, its generation, and its role in energy production, particularly in Spain. It seeks to provide an informative overview for understanding nuclear energy's implications, especially in land use planning for county zoning ordinances.
- **Galindo, A. (2022).** *What is nuclear energy? The science of nuclear power*. International Atomic Energy Agency. Retrieved from <https://www.iaea.org/newscenter/news/what-is-nuclear-energy-the-science-of-nuclear-power>
 - Nuclear energy, derived from nuclear fission, is harnessed in power plants to generate electricity. The process involves splitting uranium atoms, managing radioactive waste, and adhering to international safety standards set by the IAEA.
- **National Geographic. (2020).** *Nuclear energy*. Retrieved from <https://education.nationalgeographic.org/resource/nuclear-energy/>

- Nuclear energy, derived from splitting atoms, is harnessed in reactors to generate electricity. While clean and renewable, it requires careful handling of radioactive waste.
- **U.S. Energy Information Administration. (n.d.).** *Nuclear explained. Nuclear power and the environment.* Retrieved from <https://www.eia.gov/energyexplained/nuclear/nuclear-power-and-the-environment.php>
 - Nuclear power plants in the U.S. have robust safety measures and containment structures. While nuclear power generation is low-emission, it produces radioactive waste requiring strict management and disposal.

Theme 2: Pros and Cons of Nuclear Energy

This theme includes sources that evaluate the advantages and disadvantages of nuclear energy, focusing on safety, cost, efficiency, and environmental impact.

- **Iginia, M. (2023).** *The advantages and disadvantages of nuclear energy.* Earth.org. Retrieved from <https://earth.org/the-advantages-and-disadvantages-of-nuclear-energy/>
 - Educates readers on nuclear energy's environmental, economic, and safety implications. This information is crucial for zoning and land use policies.
- **Just Energy. (2023).** *Pros and cons of nuclear energy: Safety, cost, efficiency.* Retrieved from <https://justenergy.com/blog/pros-and-cons-of-nuclear-energy-safety-cost-efficiency/>
 - Nuclear energy offers carbon-neutral power and significant energy output, but risks include accidents, waste disposal, and limited resources. Technological advancements are crucial for improving safety and efficiency.
- **Let's Talk Science. (2019).** *What are the pros and cons of nuclear energy?* Retrieved from <https://letstalkscience.ca/educational-resources/stem-in-context/what-are-pros-and-cons-nuclear-energy>
 - Nuclear energy has both advantages and disadvantages. While it offers safety and reduces air pollution, concerns remain about nuclear weapons proliferation, waste management, and potential accidents.
- **Lumley, G. (2024).** *Pros and cons of nuclear energy.* BKV Energy. Retrieved from <https://bkvenergy.com/learning-center/nuclear-energy-pros-and-cons/>
 - Nuclear energy offers low emissions and high efficiency but faces challenges like accidents, waste management, and high costs. While it can reduce fossil fuel dependency, safety, proliferation, and long-term viability concerns remain.
- **Mathis, J. (2023).** *The pros and cons of nuclear power.* The Week. Retrieved from <https://theweek.com/climate-change/1013907/the-pros-and-cons-of-nuclear-power>
 - Nuclear power is a double-edged sword, offering emissions-free energy and energy security but posing challenges like waste management, high costs, and safety risks.
- **Moses, M. (2020).** *What are the advantages of nuclear energy?* EDF Energy. Retrieved from <https://www.edfenergy.com/energywise/what-are-advantages-nuclear-energy>
 - Nuclear energy is a low-carbon, reliable, and efficient solution. It provides a stable power supply, is highly efficient, and has a long operational life.
- **Smith, J. (n.d.).** *The pros and cons of nuclear energy in 2025.* Solar Reviews. Edited by Catherine Lane. Retrieved from <https://www.solarreviews.com/blog/nuclear-energy-pros-and-cons>
 - Nuclear energy offers low-cost, reliable power with zero-carbon emissions, but it comes with environmental concerns, water usage, and the risk of accidents.
- **The Conversation. (2021).** *How to make up your mind about the pros and cons of nuclear power.* Retrieved from <https://theconversation.com/how-to-make-up-your-mind-about-the-pros-and-cons-of-nuclear-power-172474>
 - Nuclear power offers low carbon emissions and reliable energy, but concerns remain about accidents, waste disposal, and high initial costs.
- **Unwin, J. (2019).** *Nuclear power: The pros and cons of the energy source.* Power Technology. Retrieved from <https://www.power-technology.com/features/nuclear-power-pros-cons/>
 - Nuclear power offers low carbon emissions and reliable energy, but risks nuclear accidents and waste disposal. High initial costs and long-term storage challenges must be considered.
- **U.S. Department of Energy. (2024).** *Advantages and challenges of nuclear energy.* Retrieved from <https://www.energy.gov/ne/articles/advantages-and-challenges-nuclear-energy>
 - Nuclear energy is a clean and reliable source of power, but faces challenges such as public perception, used fuel management, and high construction and operating costs.
- **X-Energy. (2023).** *The advantages of nuclear energy.* Retrieved from <https://x-energy.com/blog-all/investing-in-our-planet-earth-day-and-beyond-2sz9p>
 - Nuclear energy is highlighted as a clean, safe, and reliable solution. Advanced nuclear technologies, like small modular reactors, offer benefits such as reduced water usage, enhanced safety, and cost-effectiveness.

Theme 3: Advanced Nuclear Technologies (e.g., Small Modular Reactors, HALEU)

This theme focuses on emerging nuclear technologies, such as small modular reactors (SMRs) and high-assay low-enriched uranium (HALEU).

- **Kanost, T., & Lawrence, B. (2022).** *Without a plant currently operating in Iowa, does nuclear energy have a future in the state?.* We Are Iowa. Retrieved from <https://www.weareiowa.com/article/tech/science/climate-change/nuclear-energy-in-iowa-future-developments-midamerican/524-aaed2ac4-7c3b-406a-a84b-c6e356b181ee>

- MidAmerican Energy's Wind PRIME project explores nuclear energy, specifically small modular reactors (SMRs), to achieve net-zero emissions. While SMRs offer potential benefits, safety, cost, and waste management concerns remain.
- **Liou, J. (2023).** *What are small modular reactors (SMRs)?* International Atomic Energy Agency. Retrieved from <https://www.iaea.org/newscenter/news/what-are-small-modular-reactors-smrs>
 - Small Modular Reactors (SMRs) are compact, factory-built nuclear reactors with a power capacity of up to 300 MW(e). They offer advantages like flexible siting, cost-effectiveness, and enhanced safety, making them suitable for various applications and locations.
- **U.S. Department of Energy. (n.d.).** *Advanced Small Modular Reactors (SMRs)* Retrieved from <https://www.energy.gov/ne/advanced-small-modular-reactors-smrs>
 - Advanced Small Modular Reactors (SMRs) offer versatility, safety, and economic benefits, with government support and funding opportunities for their development.
- **U.S. Department of Energy. (2024).** *What is high assay low enriched uranium (HALEU)?* Retrieved from <https://www.energy.gov/ne/articles/what-high-assay-low-enriched-uranium-haleu>
 - High-Assay Low-Enriched Uranium (HALEU) is essential for advanced nuclear reactors, and the DOE is exploring production methods to meet the growing domestic demand. The Piketon Demonstration Project and HALEU Availability Program aim to ensure a domestic supply chain for HALEU.
- **U.S. Department of Energy. (2024).** *NRC docket construction permit application for TerraPower's Sodium reactor.* Retrieved from <https://www.energy.gov/ne/articles/nrc-dockets-construction-permit-application-terrapowers-sodium-reactor>
 - The NRC accepted TerraPower's application for a sodium-cooled fast reactor in Wyoming, marking the first time in over 40 years. The project aims to demonstrate advanced reactor technology and support clean energy.

Theme 4: Policy, Regulation, and Deployment

This theme addresses governmental policies, regulatory frameworks, and efforts to deploy nuclear energy.

- **Baranwal, R. (2019).** *New DOE and NRC agreement will lead to faster deployment and licensing of U.S. nuclear.* U.S. Department of Energy. Retrieved from <https://www.energy.gov/ne/articles/new-doe-and-nrc-agreement-will-lead-faster-deployment-and-licensing-us-nuclear>
 - The U.S. Department of Energy and the NRC are collaborating to accelerate the deployment of advanced nuclear technologies. This partnership will streamline the licensing process, provide information sharing, and enable faster commercialization of these technologies.
- **Nuclear Regulatory Commission. (n.d.).** *Background on nuclear power plant licensing process.* Retrieved from <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/licensing-process-fs.html>
 - The Nuclear Regulatory Commission (NRC) oversees the licensing process for nuclear power plants in the United States, which involves a two-step process, combined license, early site permits, and design certification. The NRC ensures compliance with regulations for public health, safety, and environmental protection throughout the plant's lifetime.
- **Nuclear Regulatory Commission. (n.d.).** *Office of Nuclear Material Safety and Safeguards.* Retrieved from <https://scp.nrc.gov/>
 - The Office of Nuclear Material Safety and Safeguards (NMSS) within the Nuclear Regulatory Commission (NRC) manages communication and relationships with various government entities. NMSS also oversees key programs like the Agreement State Program and Tribal Liaison Program, providing resources and support.
- **U.S. Department of Energy. (2024).** *Newly signed bill will boost nuclear reactor deployment in the United States.* Retrieved from <https://www.energy.gov/ne/articles/newly-signed-bill-will-boost-nuclear-reactor-deployment-united-states#:~:text=President%20Biden%20signed%20the%20Fire,t%20seen%20since%20the%201970s>
 - The ADVANCE Act, part of the Fire Grants and Safety Act, aims to revitalize the U.S. nuclear power sector by accelerating reactor deployment, supporting innovation, and ensuring a secure, clean energy future.
- **White House-Biden Administration. (2024).** *Fact sheet: Biden-Harris administration announces new steps to bolster domestic nuclear industry and advance America's clean energy future.* Retrieved from <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2024/05/29/fact-sheet-biden-harris-administration-announces-new-steps-to-bolster-domestic-nuclear-industry-and-advance-americas-clean-energy-future/>
 - The Biden-Harris Administration announced initiatives to strengthen the domestic nuclear industry, reduce reliance on Russian uranium, and advance clean energy. These efforts aim to support a carbon-free electricity sector by 2035.

Theme 5: Nuclear Energy and Climate Change

This theme explores nuclear energy's role as a solution to climate change and its environmental implications.

- **Rhodes, R. (2018).** *Why nuclear power must be part of the energy solution: Environmentalists and climate.* Yale Environment 360. Retrieved from <https://e360.yale.edu/features/why-nuclear-power-must-be-part-of-the-energy-solution-environmentalists-climate>
 - Nuclear power, with its low carbon emissions and high capacity factor, is a valuable solution to climate change, despite concerns about accidents and waste.

Theme 6: Economics of Nuclear Power

This theme focuses on the financial aspects of nuclear energy, including costs, competitiveness, and government support.

- **World Nuclear Association. (2021).** *Economics of nuclear power*. Retrieved from <https://world-nuclear.org/information-library/economic-aspects/economics-of-nuclear-power>
 - Nuclear power is cost-competitive, especially with low fuel costs and long-term operation, despite high capital costs. Government support is crucial for financing nuclear power projects in deregulated markets.

Theme 7: Radioactive Waste Management and Disposal

This theme covers the challenges, methods, and policies related to managing and disposing of nuclear waste.

- **Earth.Org. (2022).** *The nuclear waste disposal dilemma*. Retrieved from <https://earth.org/nuclear-waste-disposal/>
 - Finland's Onkalo repository showcases a pioneering approach to permanent disposal, potentially setting a global standard. Critics note technical uncertainties and high costs, questioning its viability as a universal solution.
- **Ewing, R. C. (2018).** *The steep costs of nuclear waste in the U.S.* Stanford Doerr School of Sustainability. Retrieved from <https://sustainability.stanford.edu/news/steep-costs-nuclear-waste-us>
 - Interim storage is well-contained, but aging tanks at sites like Hanford have leaked, releasing radioactivity into the environment. Permanent disposal could save billions, yet funding and political will remain inadequate.
- **International Atomic Energy Agency (IAEA). (2022).** *New IAEA report presents global overview of radioactive waste and spent fuel management*. Retrieved from <https://www.iaea.org/newscenter/news/new-iaea-report-presents-global-overview-of-radioactive-waste-and-spent-fuel-management>
 - Positives include significant progress in safe interim storage and the development of deep geological repositories (DGRs), with Finland nearing operation of the first such facility. Negatives include prolonged storage due to delays in disposal capacity, increasing the need for additional facilities and raising safety concerns over time.
- **Macfarlane, A., & Ewing, R. C. (2023).** *Nuclear waste is piling up. Does the U.S. have a plan?* Scientific American. Retrieved from <https://www.scientificamerican.com/article/nuclear-waste-is-piling-up-does-the-u-s-have-a-plan/>
 - Temporary storage at reactor sites is safe for decades, but the lack of a geologic repository shifts risks to future generations. The authors highlight job creation potential in repository projects, though political gridlock and community opposition remain significant barriers.
- **Nuclear Energy Agency (NEA). (n.d.).** *The disposal of high-level radioactive waste (Issue Brief No. 3)*. Retrieved from https://www.oecd-nea.org/jcms/pl_14918/issue-brief-no-3-the-disposal-of-high-level-radioactive-waste
 - DGRs provide a sustainable solution with robust isolation, supported by international cooperation. Challenges include high costs, technical uncertainties over millennia, and the need for public trust in safety assurances.
- **U.S. Energy Information Administration (EIA). (2022).** *Nuclear explained. Nuclear power and the environment*. Retrieved from <https://www.eia.gov/energyexplained/nuclear/nuclear-power-and-the-environment.php>
 - Nuclear power plants produce minimal carbon emissions, and high-level waste is initially stored safely in water pools or dry casks. However, the U.S. lacks a permanent disposal site, leaving waste at reactor sites indefinitely, posing long-term environmental and safety risks.
- **U.S. Environmental Protection Agency (EPA). (2025).** *Radioactive waste*. Retrieved from <https://www.epa.gov/radtown/radioactive-waste>
 - Strict regulations ensure safe handling and transport of high-level waste, minimizing immediate risks. Long-term isolation remains unresolved, with potential environmental contamination if storage fails over time.
- **U.S. Government Accountability Office (GAO). (2023).** *Nuclear waste disposal*. Retrieved from <https://www.gao.gov/nuclear-waste-disposal>
 - Storage facilities like the Waste Isolation Pilot Plant (WIPP) demonstrate successful disposal of transuranic waste, but high-level waste from commercial reactors remains stranded, costing billions in damages to utilities and lacking a clear disposal path.
- **U.S. Nuclear Regulatory Commission (NRC). (2024).** *Background on radioactive waste*. Retrieved from <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/radwaste.html>
 - High-level waste is securely managed in robust containers, with strict regulations ensuring safety during storage. However, the absence of a permanent repository in the U.S. increases reliance on temporary solutions, raising concerns about aging infrastructure and potential leaks.
- **World Nuclear Association. (2024).** *Storage and disposal of radioactive waste*. Retrieved from <https://world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-wastes/storage-and-disposal-of-radioactive-waste.aspx>
 - Positives include proven technologies for interim storage (e.g., dry casks) and international consensus on deep geological disposal as a safe long-term solution. Negatives involve public resistance and the high costs of constructing DGRs, delaying implementation in many countries.
- **World Nuclear Association. (2024).** *Radioactive waste – Myths and realities*. Retrieved from <https://world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-waste/radioactive-wastes-myths-and-realities>
 - High-level waste's radioactivity decreases significantly over time, and geological disposal is technologically feasible, offering long-term isolation. Negatives include misconceptions fueling public fear, complicating site selection and increasing costs.
- **World Nuclear Waste Report. (n.d.).** *World Nuclear Waste Report: Focus Europe*. Retrieved from <https://worldnuclearwastereport.org/>



December 4, 2024

Dear Woodbury County Stakeholder(s):

The Woodbury County Zoning Commission continues its study of potentially adding nuclear energy facilities, including modular nuclear technology, as potential land uses in the Woodbury County Zoning Ordinance.

As part of this ongoing effort, we are again seeking your insights, perspectives, and input on this matter. Your involvement remains vital to shaping zoning regulations that thoughtfully consider the potential siting of nuclear energy facilities within our community. Specifically, we welcome your comments and recommendations regarding the following:

Appropriate Locations / Zoning District Designations (see enclosed map)

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately located within the unincorporated areas of Woodbury County?
- Which zoning districts (e.g., General Industrial, Agricultural Preservation) would you consider most suitable for such facilities? Please reference the enclosed map.
- Are there particular considerations or criteria we should prioritize for these areas?

Impact Assessment

- What economic, environmental, or social impacts do you anticipate with the introduction of nuclear energy facilities in our community?

Regulatory Framework

- Are there regulatory frameworks, examples, or best practices from other jurisdictions you believe we should examine when updating our zoning ordinance?

We highly value your input and seek to ensure any changes to our zoning ordinance are inclusive, comprehensive, and aligned with community needs and regulatory requirements.

Please provide your feedback by January 20, 2025, at 10:00 AM. You may send your response via email to dpriestley@woodburycountyiowa.gov, by mail to Woodbury County Planning and Zoning, 620 Douglas St., Sixth Floor, Sioux City, IA 51101, or call 712-279-6609 to discuss this matter further.

The Zoning Commission will continue this exploration at public hearings starting on **January 27, 2025, at 5:00 PM** in the **basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA.**

Thank you for your continued engagement in this important matter. We look forward to hearing from you and incorporating your perspectives into this decision-making process.

Respectfully and sincerely,


Daniel J. Priestley, MPA
Zoning Coordinator

Enclosure

Sent again on January 3, 2025 as a follow-up reminder.



PUBLIC COMMENTS

From: Wendi Hess
Sent: Wednesday, August 7, 2024 9:22 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag:	Follow up
Flag Status:	Flagged

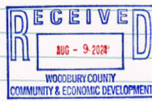
Dan: In regards to the 911 Dispatch Center- having this type of facility in our response area would potentially create a need for additional training for our staff members along with participating in regular exercises and training related to potential emergencies at the facility. For us that would become a budgetary item needing to add training funds to our annual budget for overtime, etc related to the additional training activity that would be necessary. I am not sure if there are any specific certifications that would be required by our staff.

Thanks,
Wendi

Wendi Hess
Communications Center Director/Accreditation Manager
Woodbury County Communications
PO Box 447
Sioux City, IA 51102
Office: 712-279-6268
whess@sioux-city.org

Aug 6 2024
Woodbury Co. Planning & Zoning
I Would like to say NO
To Any Nuclear Facilities in
Woodbury County. Nuclear Waste
And Malfunctions can be Catastrophic

Thank You
Jerry Holder
105 D Street
Sergeant Bluff IA 51054



From: Bob Scott
Sent: Monday, July 29, 2024 9:44 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I am all four a nuke plant in the area south of town. I am also for wind energy and solar farms. The construction of a nuclear plant would be a boon to our local economy. Nuclear plants are so highly regulated that we should not have to do much locally.

From: Mark Nahra
Sent: Friday, July 26, 2024 4:11 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dan,

I gave this some thought, but reserve the opportunity to add to these comments at a later date. See my preliminary thoughts in red.

Mark J. Nahra, P.E.
Woodbury County Engineer
759 E. Frontage Road
Motive, IA 51039
Phone: 712-873-3215 or 712-279-6484
Fax: 712-873-3235
Email: mnahra@woodburycountyiowa.gov

From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Friday, July 26, 2024 10:16 AM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: Comments Requested Nuclear Energy in Woodbury County, Iowa
Importance: High

Dear Woodbury County Stakeholder(s):

The Woodbury County Zoning Commission has been tasked to explore the addition of nuclear energy including modular nuclear technology as a potential land use to the Woodbury County Zoning Ordinance.

Currently, we are requesting your insights, perspective, and input on this matter. Your participation will play a crucial role in shaping the future zoning regulations pertaining to the potential siting of nuclear energy plants in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

Appropriate Locations / Zoning District Designation(s):

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately sited within the unincorporated areas of Woodbury County? **I think the General industrial zoning areas are the best for these facilities with the exception of allowing such a facility to be located within a city's two mile jurisdictional area. Communities desiring to control their own power generation should be able to expand into the rural area from their current boundaries to their two mile jurisdictional limits. When we lived in Tipton, IA, we lived in a community with its own electric generation capacity. I don't feel the county ordinance should interfere with communities' efforts to be energy self-sufficient.**

1

- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Industrial, Agricultural Preservation, etc.)? See map included. **General industrial plus portions of districts bordering cities as noted above.**
- Are there any specific considerations or criteria we should prioritize in these areas? **On site security should be a priority to prevent sabotage to nuclear generation plants. I am not sure what this looks like as I sit here today, but feel it should be noted as a consideration in developing site selection standards. Additional concerns may include items like standoff from existing/future housing, distances from water or wastewater treatment facilities, land drainage characteristics, offsets from highways and public properties.**

Impact Assessment:

- What potential impacts (economic, environmental, social) do you foresee with the introduction of nuclear energy facilities in our community? **Less costly, clean energy for county residents and our city dwellers. I don't see a downside to allowing nuclear to develop within the county. I think public perception of the safety of such plants will be a huge issue for entities seeking to develop nuclear power generation.**

Regulatory Framework:

- Are there any specific regulatory frameworks or best practices from other jurisdictions that you believe we should consider when updating our zoning ordinance to include nuclear energy? **Depending upon the size of the reactor and its construction needs, the county should require a Road agreement to assure restoration of county roads damaged by nuclear plant construction. The road agreement for wind generation can, and should be utilized, for nuclear plant construction to assure taxpayers aren't left holding the bag for energy plant construction.**

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Friday, July 26, 2024 10:33 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Nuclear Energy in Woodbury County, Iowa

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

Daniel,

I have forwarded this to company Management for their input.

Have a great weekend.

Casey Meinen

Lead, Electric Distribution Engineering

Casey.meinen@midamerican.com

Phone (712-233-4831)



From: Bob Scott
Sent: Wednesday, December 4, 2024 4:04 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

I am speaking for myself but I am in favor of a small nuke plant in the area around Neal power plants. I think the investment and the long term affect on rates is worth the risk for these low level type plants. And I have a question if we annex land into the city, your zoning laws regarding solar farms cannot apply to land in the city can they?

From: Bob Scott
Sent: Friday, January 3, 2025 10:47 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Not thast the county will care what my opinion is but I would be supportive of a small nuke plant.

From: Diane Swoboda Peterson
Sent: Monday, January 6, 2025 9:12 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

No comments

Diane Swoboda Peterson
Woodbury County Real Estate/Recorder Deputy
620 Douglas Street; Room 106
Sioux City, Iowa 51101
(712)279-6528

From: Kyle Gates
Sent: Thursday, January 16, 2025 3:33 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I fully support Nuclear Energy in Woodbury County and would feel quite safe with a modern reactor next door.

Items that come to mind:

- Setbacks for perimeter security
- Returning land to previous state after future decommissioning
- Possible collocation with industries for use of low cost/free waste heat (fertilizer production for example)
- Grid resilience/redundancy via distributed locations near end users providing baseload power
- If a lower cost per kwh is attainable, there is a potential for economic development

From: ken bauer <kjbauer57@hotmail.com>
Sent: Thursday, February 6, 2025 12:41 PM
To: Daniel Priestley
Subject: Nuclear energy in Woodbury county.

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from OUTSIDE of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.

I believe nuclear energy would be very beneficial to our county. I worked at port neal for 26 years. I believe coal fired plants are second only to nuclear plants. The wind mills and solar only makes brookshirehathaway rich off tax payers back. The wind doesn't always blow and the sun doesn't always shine (especially at night). I believe it would be more economical than either and the landscape wouldn't be cluttered with old wind mills or solar panels. Ken Bauer , mayor of Correctionville.

From: Christopher Madsen
Sent: Thursday, March 6, 2025 3:09 PM
To: Daniel Priestley
Subject: RE: Nuclear Energy Public Hearing Notice – March 24, 2025: Nuclear Energy and Waste Storage Ordinance Amendments – Your Input Needed

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Dan,
It appears this has been updated to include nuclear waste storage which was not in the last email notice. Have you done any research on the process needed for a storage facility and other entities that would review (such as IDNR)?
If so would you send that over for us to look at?

Thanks!

Chris R. Madsen, AICP, CFM
Senior Planner
City of Sioux City
Phone: 712.279.6341
Email: cmadsen@sioux-city.org
405 6th Street, Box 447
Sioux City IA 51102

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Monday, June 9, 2025 8:01 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Accessory Dwelling Units and Nuclear Energy (Zoning Commission, June 23 at 5:00 PM)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from OUTSIDE of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.
Dan,

I have reviewed the following proposed zoning amendments for MEC electric and we have; no conflicts.

Psychology is more contagious than the flu.

Casey Meinen
Lead, Electric Distribution Engineering
Casey.meinen@midamerican.com

Phone (712-233-4831)
MIDAMERICAN
ENERGY COMPANY



BOARD OF SUPERVISORS' DIRECTION

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 6/27/24 Weekly Agenda Date: 7/2/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Keith Radig

WORDING FOR AGENDA ITEM:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

This directs the Zoning Commission to look at the zoning of nuclear energy as a potential energy option in Woodbury County.

BACKGROUND:

The Zoning Commission shall explore the zoning potential of nuclear energy as a potential option.

FINANCIAL IMPACT:

0

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Approve the motion.

ACTION REQUIRED / PROPOSED MOTION:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

Approved by Board of Supervisors April 5, 2016.

Public Hearing Public Notifications in Newspapers:

Danbury Review – 9/18/24, 1/8/25, 2/12/25, 3/12/25, 5/14/25, 6/11/25

Moville Record – 9/18/24, 1/9/25, 2/12/25, 3/13/25, 5/15/25, 6/12/25

Sergeant Bluff Advocate – 9/12/24, 1/9/25, 1/12/25, 3/13/25, 5/15/25, 6/12/25

Sioux City Journal – 9/12/24, 1/11/25, 2/11/25, 3/13/25, 5/13/25, 6/12/25

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Orange, ss:

Kevin King, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Sep. 12, 2024

NOTICE ID: UtDJi9EI2Lg4DH520f4c
PUBLISHER ID: COL-IA-500805
NOTICE NAME: ZC_Nuclear_Rezone_9_23_2024
Publication Fee: \$74.81

Kevin King

(Signed)

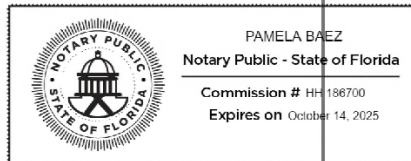
VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 09/13/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.



NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will have a public meeting and will hold public hearings on the following items hereafter described in detail on September 23, 2024 at 5:00 PM or as soon thereafter as the matters may be considered.
Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 9th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call: 712-454-1133 and enter the Conference ID: 636 586 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 9th floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Priestley at: d.priestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Wednesday, September 18, 2024.
Item One (1)
Nuclear Energy Facilities Zoning Ordinance Text Amendments
The Woodbury County Zoning Commission will hold a public hearing to consider Zoning Ordinance Text Amendments for the district of nuclear energy as land use options in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy. Precise options may include to amend the Land Use Summary Table of Allowed Uses, Section 3.23.4 by adding nuclear energy and/or nuclear energy facilities as permitted allowed uses or conditional uses in all or select Woodbury County zoning districts. Zoning Ordinance Text Amendments may also be discussed pertaining to the addition of new sections pertaining to nuclear energy, nuclear energy facilities, definitions, the renumbering and reorganization of content within the zoning ordinance.
Item Two (2)
Zoning Ordinance Map Amendment (Rezoning)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezoning) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1907 Carol Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee Coyer & Renee T. Coyer (Owners), 1801 US Highway 141, Sergeant Bluff, IA 51054.
The proposal is to rezone from the Agricultural Preservation (AP) zoning district to the Agricultural Estates (AE) Zoning District for a 1.14-acre portion of the property located in the NW 1/4 of the NE 1/4 of Section 26, T26N R27W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #6847262002 and is described as:
PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, RANKERS ACRES, IN ADDITION TO WOODBURY COUNTY, IOWA, THENCE S.0700 FEET, ALONG THE WEST LINE OF SAID LOT 1 FOR 257.10 FEET TO THE S.W. CORNER OF SAID LOT 1, THENCE N55°43'07"W FOR 207.75 FEET THRUOF N107°19'W FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4, THENCE N107°07'17" ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.
NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N88°42'30"E.
Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1907 Carol Avenue, Sergeant Bluff, IA 51054

& Jimmie Lee Colyer & Renee T. Colyer (Owners),
1650 Old Highway 141, Sergeant Bluff, IA 51054,
Petitioner Applicant(s); Sandra K. Baker Revocable
Trust (Sandra K. Baker - Applicant), 1997 Carroll
Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee
Colyer & Renee T. Colyer (Owners), 1650 Old
Highway 141, Sergeant Bluff, IA 51054.
OOL-IA-500805

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

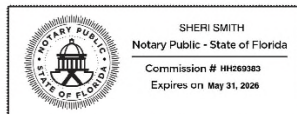
Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Jan. 11, 2025

NOTICE ID: S8SDAh6euS0RWeBuKOhc
PUBLISHER ID: COL-IA-501246
NOTICE NAME: 24-1-27_ZC_Nuclear_Dwelling_Dimension
Publication Fee: \$61.57

Rachel Cozart

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 01/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARINGS
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES
AND THE REVIEW OF THE
MINIMUM BUILDING DIMENSION
FOR SINGLE-FAMILY DETACHED
DWELLINGS IN THE WOODBURY
COUNTY ZONING ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold public hearings on the following items hereafter described in detail on January 27, 2025 at 5:00 PM or as soon thereafter as the matters may be considered.

Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 820 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 820 Douglas St., Sioux City, IA 51101; Emails should be sent to Daniel Priestley at: dpriestley@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Jan. 24, 2025.

**Item One (1)
NUCLEAR ENERGY FACILITIES
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting nuclear energy facilities, including but not limited to nuclear energy generation, modular nuclear energy systems, and other nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03-4) to designate Nuclear Energy Facilities as either an allowed or conditional use in all or specific zoning districts within Woodbury County. Additionally, discussions may include amendments to add new sections related to nuclear energy facilities, update definitions, and renumber and/or reorganize the content of the Zoning Ordinance as necessary.

**Item Two (2)
MINIMUM BUILDING DIMENSION FOR
SINGLE-FAMILY DETACHED DWELLINGS
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss potential changes to Section 4.11: Single-Family Detached Dwellings in the Woodbury County Zoning Ordinance. The hearing aims to gather input from the public on revising dimensional requirements for single-family dwellings, including but not limited to the regulations in Section 4.11. The review will consider whether to amend or remove Section 4.11.1, which currently states: "The main body shall have a minimum dimension of not less than 23 feet." Potential revisions may involve eliminating, reducing, modifying, or adding to the minimum dimension requirement, as well as other changes to the contents of Section 4.11 and its subsections. Amendments may also be discussed pertaining to the addition of new sections pertaining to single-family dwellings, definitions, the renumbering, and reorganization of content within the Woodbury County Zoning Ordinance.
COL-IA-501246

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Orange, ss:

Bailee Liston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Feb. 11, 2025

NOTICE ID: yNjuXD6R9qNMPencb3Xe

PUBLISHER ID: COL-IA-501389

NOTICE NAME: ZC-2025-2-24

Publication Fee: \$41.71

Bailee Liston

(Signed) _____



VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 02/18/2025

J. Thompson

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES
IN THE WOODBURY COUNTY
ZONING ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold a public hearing on the following item hereafter described in detail on February 24, 2025 at 5:00 PM or as soon thereafter as the matter may be considered.

Said public hearing will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to the matter should appear at the aforesaid public hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 537# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101; Emails should be sent to Daniel Priestley at: dpriestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Feb. 21, 2025.

Item One (1)

**NUCLEAR ENERGY FACILITIES
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting nuclear energy facilities, including but not limited to nuclear energy generation, modular nuclear energy systems, and other nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate Nuclear Energy Facilities as either an allowed or conditional use in all or specific zoning districts within Woodbury County. Additionally, discussions may include amendments to add new sections related to nuclear energy facilities, update definitions, and renumber and/or reorganize the content of the Zoning Ordinance as necessary.

COL-IA-501389

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Mar. 13, 2025

NOTICE ID: V8vwwz7PwzxxxLzSJ6G9

PUBLISHER ID: COL-IA-501513

NOTICE NAME: ZC_3-24-25_Nuclear

Publication Fee: \$51.64

India Johnston

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 03/14/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES,
NUCLEAR WASTE STORAGE
AND/OR RELATED USES IN THE
WOODBURY COUNTY ZONING
ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold a public hearing on the following item hereafter described in detail on March 24, 2025 at 5:00 PM or as soon thereafter as the matter may be considered.

Said public hearing will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to the matter should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 638 086 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Priestley at: dpriestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Mar. 21, 2025.

**Item One (1)
CONSIDERATION OF NUCLEAR ENERGY
FACILITIES, NUCLEAR WASTE STORAGE
AND/OR RELATED USES ZONING
ORDINANCE TEXT AMENDMENTS FOR A
RECOMMENDATION TO THE WOODBURY
COUNTY BOARD OF SUPERVISORS**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of nuclear energy facilities, nuclear waste storage, and/or related uses as land use options in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting these facilities, including nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and other related nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate nuclear energy facilities, nuclear waste storage and/or related uses as either allowed or conditional uses in specific zoning districts such as the General Industrial (G1) Zoning District within Woodbury County. Additionally, the discussions may include amendments to add new sections related to nuclear energy facilities and nuclear waste storage and/or related uses, update definitions, renumber articles, sections, and pages, and/or reorganize the content of the Zoning Ordinance as necessary. The goal of the hearing is to gather public input and determine the appropriate way to address the potential inclusion of nuclear-related land uses in the Woodbury County Zoning Ordinance in terms of preparing a recommendation to the Woodbury County Board of Supervisors. COL-IA-501513

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

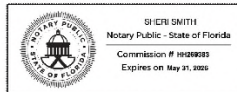
Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Jun. 12, 2025

NOTICE ID: TxNstLTD2qW0kCyrF41b
PUBLISHER ID: COL-IA-501906
NOTICE NAME: ZC-6-23-25-NUCLEAR-ADUS
Publication Fee: \$65.54

Rachel Cozart

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 06/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION REGARDING THE CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS CONCERNING NUCLEAR ENERGY FACILITIES, NUCLEAR WASTE STORAGE, AND RELATED NUCLEAR USES, AND ACCESSORY DWELLING UNITS

The Woodbury County Zoning Commission will have public hearings on the following items hereafter described in detail on **Monday, June 23, 2025 at 8:00 PM** or as soon thereafter as the matters may be considered.

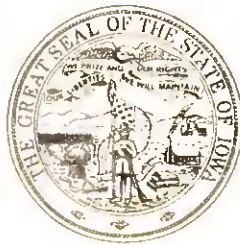
Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development (Planning and Zoning), on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 638-036-5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Email: dpriestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Friday, June 20, 2025.

Item One (1): CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS FOR NUCLEAR ENERGY FACILITIES, NUCLEAR WASTE STORAGE, AND RELATED USES

The Woodbury County Zoning Commission will hold a public hearing to discuss amending the Woodbury County Zoning Ordinance to address nuclear energy facilities, nuclear waste storage, and related uses. The discussion will include, but is not limited to, permitting nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and related technologies. Proposed amendments may involve updating the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate these uses as allowed uses or conditional uses in specific zoning districts, such as the General Industrial (GI) Zoning District. The hearing will also address public notification requirements, including appropriate notification distances for nuclear-related meetings and hearings, and may propose adding new sections, updating definitions, renumbering articles, or reorganizing the ordinance. The purpose is to gather public input to prepare a recommendation for the Woodbury County Board of Supervisors.

Item Two (2): CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS FOR ACCESSORY DWELLING UNITS TO COMPLY WITH IOWA SENATE FILE 592

The Woodbury County Zoning Commission will hold a public hearing to discuss Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to ensure compliance with Iowa Senate File 592, signed into law by Governor Kim Reynolds on May 1, 2025. Senate File 592 mandates that counties allow at least one accessory dwelling unit (ADU) on the same lot as a single-family residence, subject to specific conditions, and prohibits certain restrictive regulations. The Zoning Commission will examine how to align the zoning ordinance with these requirements, including but not limited to the Land Use Summary Table of Allowed Uses (Section 3.03.4), Lot Requirements (Section 4.04), Number of Residential Structures (Section 4.04.2), and potentially other applicable sections. The hearing aims to gather public input to develop appropriate ordinance language and prepare a recommendation for the Woodbury County Board of Supervisors to ensure compliance with Iowa Senate File 592. COL-IA-501906



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

May 1, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

Senate File 592, an Act relating to county and city regulation of accessory dwelling units.

The above Senate File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Reynolds".

Kim Reynolds

Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



Senate File 592

AN ACT

RELATING TO COUNTY AND CITY REGULATION OF ACCESSORY DWELLING
UNITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.301, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 27. *a.* A county shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

- (1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.
- (2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.
- (3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a county in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.
- (4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1,

subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

b. Except as otherwise provided in paragraph "a" or by state law, a county shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a county shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsection 18 of this section and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) The requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the county can require new or separate utility lines.

(6) Imposition of a different county impact fee structure or

development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A county shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "a" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a county's normal review schedule for a single family residence. If the county denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A county ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a county from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

e. For the purposes of this subsection:

(1) "*Accessory dwelling unit*" means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) "*Detached*" includes being part of any accessory structure such as a detached garage.

(3) "*Dwelling unit*" means the same as defined in section 562A.6, subsection 3.

(4) "*Single family residence*" means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

Sec. 2. Section 364.3, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 20. *a.* A city shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

(1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.

(2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.

(3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a city in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.

(4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1, subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

b. Except as otherwise provided in paragraph "a" or by state law, a city shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a city shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided

for in subsections 9 and 16 of this section, section 414.1, subsection 1, paragraph "e", and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single-family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) A requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the city can require new or separate utility lines.

(6) Imposition of a different city impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A city shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "a" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a city's normal review schedule for a single family residence. If the city denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A city ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts

with this subsection is void. Nothing in this subsection prohibits a city from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

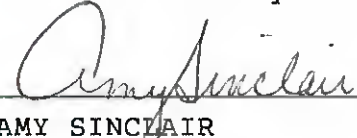
e. For the purposes of this subsection:


(1) "*Accessory dwelling unit*" means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) "*Detached*" includes being part of an accessory structure such as a detached garage.

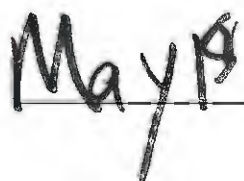
(3) "*Dwelling unit*" means the same as defined in section 562A.6, subsection 3.


(4) "*Single family residence*" means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

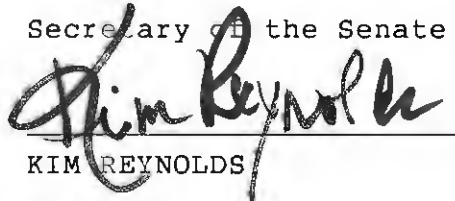

AMY SINCLAIR
President of the Senate


PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 592, Ninety-first General Assembly.

Approved  , 2025


W. CHARLES SMITHSON
Secretary of the Senate


KIM REYNOLDS
Governor

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW PROCESS**

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO BRING THE ZONING ORDINANCE INTO COMPLIANCE WITH THE CODE OF IOWA AS IT RELATES TO ACCESSORY SECOND DWELLINGS IN UNINCORPORATED WOODBURY COUNTY.

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 32, in Section 3.03.4, in the Land Use Summary Table of Allowed Uses in each Zoning District, to repeal the line item entitled “Accessory second dwelling for relative or worker on property” and all of its designated uses in each Zoning District column entitled AP Agricultural Preservation, AE Agricultural Estates, NR Non-Agricultural Residential, SR Suburban Residential, GC General Commercial, HC Highway Commercial, LI Limited Industrial, and GI General Industrial, and replace with a new line item entitled “One Accessory Dwelling” and designate the following uses in each Zoning District column as follows by placing: “ok” (Principal allowed use) in the AP Agricultural Preservation column; “ok” (Principal allowed use) in the AE Agricultural Estates column; “ok” (Principal allowed use) in the NR Non-Agricultural Residential column; “ok” (Principal allowed use) in SR Suburban Residential column; “--” (Prohibited use) in the GC General Commercial column; “--” (Prohibited use) in the HC Highway Commercial column; “--” (Prohibited use) in the LI Limited Industrial column; and “--” (Prohibited use) in the GI General Industrial column.

Amendment 2:

On page 43, in Section 4.04: Lot Requirements, to repeal “2. Number of Residential Structures. Not more than one principal residential structure shall be constructed, structurally altered or used for residential purposes on any zoning lot except as allowed by conditional use or planned development” and to replace with the following:

"2. Number of Residential Structures. Only one principal residential structure may be constructed, structurally altered, or used for residential purposes on any zoning lot. Additionally, at least one accessory dwelling unit (ADU)—defined as a secondary residential dwelling unit located on the same lot as a single-family residence, either attached to or detached from it—shall

be permitted on the same lot as a single-family residence, in accordance with Iowa Code 331.301.27."

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Daniel Bittinger II, Chairman

Mark Nelson, Vice-Chairman

Kent Carper

Attest:

David Dietrich

Michelle K. Skaff, Woodbury County Auditor

Matthew Ung

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 _____

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW PROCESS**



WOODBURY COUNTY PLANNING & ZONING

620 Douglas Street, Sixth Floor, Sioux City, Iowa 51101
712.279.6609 – 712.279.6530 (Fax)

Daniel J. Priestley, MPA – Zoning Coordinator
dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk
dnorton@woodburycountyiowa.gov

PRELIMINARY REPORT – JUNE 19, 2025

APPLICATION DETAILS

Applicant(s)/Owner(s):	Kevin Heiss/Rent Properties LLC
Application Type:	Conditional Use Permit
Zoning District:	General Commercial (GC)
Total Acres:	67.25
Current Use:	Agricultural / Vacant Land
Proposed Use:	Installation of a 14' x 48' LED billboard for off-premise
Pre-application Meeting:	May 22, 2025
Application Date:	May 27, 2025
Legal Notice Date:	June 21, 2025
Neighbor(s) Notice Date:	June 19, 2025
Stakeholder(s) Notice Date:	June 5, 2025
Zoning Commission Review:	June 23, 2025
Board of Adjustment Public Hearing:	July 7, 2025

PROPERTY DETAILS

Parcel(s):	884606100002
Township/Range:	T88N R46W (Floyd Township)
Section:	6
Quarter:	N 2/3 of the N 1/2 of the NW 1/4
Zoning District:	General Commercial (GC)
Floodplain:	Yes. Zone A
Property Address:	No address

CONTENTS

Summary	
Aerial Map / Site Plan Excerpt	
Review Requirements	
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Legal Notification	
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Stakeholder Comments	
Supporting Information	

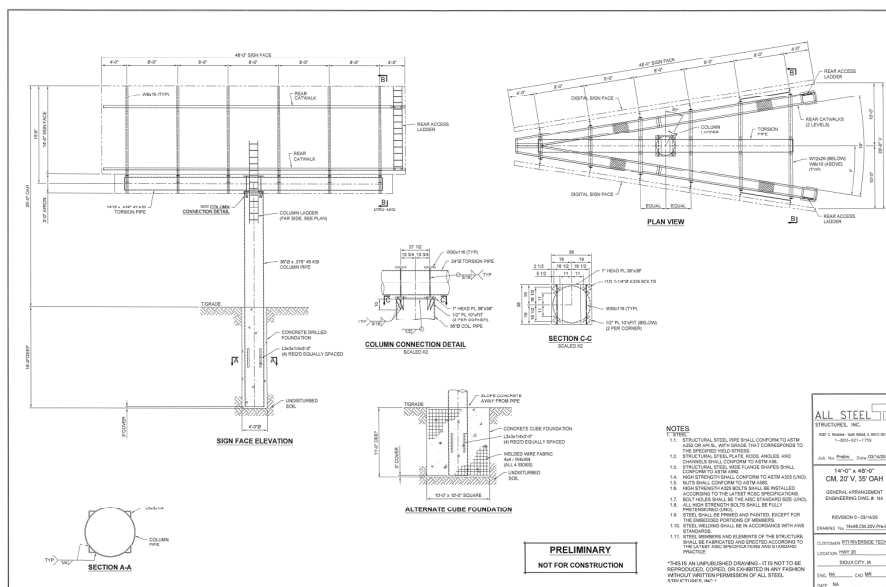
SUMMARY

Kevin Heiss, representing Rent Properties LLC, has submitted a conditional use permit (CUP) application to construct and operate a 14' x 48' LED billboard for off-premise advertising. The property is located in the N 2/3 of the N 1/2 of the NW 1/4, Section 6, Township 88N, Range 46W (Floyd Township), identified as Parcel 884606100002. It is proposed to be situated along the south side of Highway 20 and the east side of Charles Avenue. The property is in the General Commercial (GC) Zoning District, where "off-premise advertising signs (e.g. Billboards)" are classified as a conditional use under Section 3.03.4 and Section 5.02.8 of the Woodbury County Zoning Ordinance, subject to review by the Zoning Commission and approval by the Board of Adjustment. The proposal was advertised in the Sioux City Journal's legal section on June 19, 2025 and June 21, 2025. Neighbors within 500 feet were notified via a June 19, 2025 letter about the Board of Adjustment public hearing on July 7, 2025. Relevant stakeholders, including government agencies, utilities, and organizations, have been invited to provide comments.

AERIAL MAP



SITE PLAN EXCERPT



EXECUTIVE SUMMARY

Overview

The applicant seeks a Conditional Use Permit (CUP) for an LED billboard in the General Commercial (GC) Zoning District along Highway 20, Woodbury County. The proposal can comply with the Woodbury County Zoning Ordinance and Comprehensive Plan, by meeting the six criteria and two additional considerations for conditional use approval.

Criteria Analysis

1. **Authorization in Zoning District:** The billboard is a permitted conditional use in the GC Zoning District, adhering to spacing (1,000 feet from other billboards and AE zones), setback, and structural standards.
2. **Harmony with Ordinance and General Plan:** The billboard aligns with the county's commercial development goals along Highway 20, supporting economic growth and maintaining land use compatibility.
3. **Adverse Effects:** The billboard, set back from the highway and 1,000 feet from other billboards/AE zones, poses minimal impact on traffic, parking, utilities, or neighborhood character. Minimal electrical service is required, and LED lighting glare mitigation is recommended.
4. **Compatibility with Neighborhood:** The two-sided billboard's design and placement match the commercial corridor's character, with a standard 14' x 48' size and no interference with adjacent properties or future development. Floodplain requirements will be met through administrative processes.
5. **Public Facilities and Services:** The billboard requires only minimal electrical service, and no water, sewer, or public access, ensuring adequate infrastructure support.
6. **Natural, Scenic, or Historic Features:** The cleared parcel has no significant features, and minimal ground disturbance ensures limited environmental impact. Floodplain compliance can be addressed administratively.

Additional Considerations

1. **Public Interest:** The billboard supports local business advertising, enhancing economic activity along Highway 20 without detracting from neighborhood welfare.
2. **Minimizing Adverse Effects:** The site plan includes setbacks, spacing, and minimal landscape disturbance reduce impacts. Additional screening is unnecessary due to the commercial context, though lighting glare should be considered.

Additional Notes

The ordinance does not prohibit V-shaped or multi-faced billboards, consistent with other sign regulations. Conditions on billboard design could be addressed during the CUP process.

Recommendation

Contingent upon information obtained and carefully evaluated from the public following the Board of Adjustment public hearing, the application appears that it could be approved. The proposal appears to align with zoning requirements and could be construed to support public interest through advertising economic benefits.

ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is the installation and operation of a 14-foot by 48-foot off-premise, double-sided LED billboard. The structure will be used for digital advertising visible from Highway 20, providing marketing opportunities for local businesses and services. The billboard will be constructed to meet county ordinance requirements, including setback and spacing standards, and will utilize minimal power with downward-facing LED lighting to reduce glare and light pollution. The sign will be programmed for appropriate content display duration as per county guidelines and located on privately owned commercial-zoned land.

MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OF IMPROVEMENT, PROVIDED BY ATTACHMENT



CRITERIA 1: The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

The LED board is an authorized conditional use in the General Commercial (GC) Zoning District, as per the Woodbury County Zoning Ordinance. This parcel is zoned GC, and the proposed billboard conforms to the standards and permitted conditional uses within this zoning classification and certain commercial districts. This parcel is located on Highway 20 and adjacent to other parcels with an existing billboard across the road. The application follows the required spacing standards, setbacks, and structure regulations as seen in county ordinance. We plan to stay 1000ft from the original billboard as well as 1000ft from the AE zone that is to the Northwest of the property.

STAFF ANALYSIS:

The Woodbury County Zoning Ordinance (Sec. 5.02.8) permits off-premise signs, such as billboards, as conditional uses in the GC Zoning District, subject to specific standards. The applicant's assertion that the billboard meets spacing (1,000 feet from other billboards and AE zones), setbacks, and structural requirements aligns with ordinance standards as the site plan appears to include these distances. The site plan appears to indicate that the billboard maintained 1,000-foot spacing from other billboards and AE zones.

CRITERIA 2: The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

This project aligns with the county's future land use goals by placing signage along a major highway corridor, which supports local economic development while preserving compatibility with land use. This parcel is currently zoned General Commercial (GC), and the proposed use aligns with its current zoning designation and intended commercial development along Highway 20.

STAFF ANALYSIS:

The Woodbury County General Plan encourages commercial development along major corridors like Highway 20 to foster economic growth while preserving land use compatibility. The GC Zoning District is intended for commercial activities, and the proposed billboard aligns with this purpose by providing advertising opportunities that support local businesses. The site's location along Highway 20, a high-traffic corridor, is consistent with the plan's emphasis on visible commercial development. The applicant's response adequately demonstrates harmony with the ordinance and general plan, as the use complements the commercial character of the area without conflicting with land use objectives.

(https://www.woodburycountyiowa.gov/files/community_economic_development/woodbury_county_comprehensive_plan_2040_89417.pdf)

CRITERIA 3: The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

The billboard is setback over 280 feet from the highway and more than 1,000 feet from any other billboard or AE-zoned lot, as shown in the attached site plan. Its placement makes sure that visibility, traffic safety, and neighborhood character are not negatively impacted. There will be no parking, public access, or utilities required on-site beyond minimal electrical service for the LED lighting, further minimizing disruption to the surrounding properties.

STAFF ANALYSIS:

The site plan appears to confirm the billboard's setback from Highway 20, which exceeds the setback requirement of 50 FT from the right-of-way line. The 1,000-foot spacing from other billboards and AE zones complies with ordinance standards, reducing visual clutter and potential land use conflicts. The lack of parking or public access eliminates concerns about traffic or parking impacts. The minimal electrical service requirement poses little strain on utility infrastructure. The billboard's placement in a commercially zoned area with existing billboards nearby suggests it will not alter the neighborhood's character. The LED lighting should include measures to reduce or avoid glare, but the applicant's response indicates no significant adverse effects, satisfying this criterion.

CRITERIA 4: The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

The parcel is around other large agricultural and commercial parcels, including an existing billboard to the east. The design, scale, and orientation of the sign match the existing conditions. Its placement maintains visual and operational consistency with surrounding development and does not hurt future use or development of adjacent land.

STAFF ANALYSIS:

The parcel is in a commercially zoned area along Highway 20, adjacent to agricultural and commercial properties. The presence of an existing billboard nearby supports the applicant's claim that the proposed billboard is consistent with the area's visual and operational character. The 14' x 48' size is standard for off-premise signs and does not appear disproportionate to the surroundings. The billboard's placement avoids encroachment on adjacent properties, and its minimal footprint ensures no interference with future development. The response demonstrates compatibility with the neighborhood, meeting this criterion. The property is within the floodplain but the applicant can satisfy the floodplain requirements through the administrative process by not placing the sign within the floodway and following the floodplain development permitting process through the county zoning department.

CRITERIA 5: Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

The billboard will require no water, sewer, or public access. Minimal electrical service for LED lighting will be installed per code and utility provider standards. As such, existing infrastructure is more than adequate for the proposed use.

STAFF ANALYSIS:

The proposed use has negligible demands on public infrastructure, requiring only electrical service for LED lighting. The applicant's commitment to install this service per code ensures compliance with utility standards. The absence of water, sewer, or access needs eliminates concerns about infrastructure capacity. There appears to be no physical constraints that would prevent electrical service installation. This criterion is clearly satisfied, as existing facilities are more than adequate for the minimal requirements.

CRITERIA 6: The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

APPLICANT RESPONSE:

There are no historic, scenic, or environmentally sensitive features located on this parcel. The sign has been placed with ample spacing from nearby lots and with minimal disturbance to the natural landscape. The site is cleared, owned by the applicant, and does not encroach on any floodplain, protected area, or sensitive habitat.

STAFF ANALYSIS:

The parcel is a cleared, commercially zoned lot with no apparent natural, scenic, or historic features. The applicant's assertion that the site avoids protected areas, or sensitive habitats is plausible, given its location in a developed commercial corridor. As noted, the property is within the floodplain but the applicant can satisfy the floodplain requirements through the administrative process by not placing the sign within the floodway and following the floodplain development permitting process through the county zoning department. The minimal ground disturbance required for billboard installation supports the claim of limited environmental impact.

OTHER CONSIDERATION 1: The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

STAFF ANALYSIS:

The proposed billboard serves the public interest by providing advertising space for local businesses, which supports economic activity along Highway 20. Its location in a commercial corridor enhances visibility for commercial services, contributing to the community's economic welfare. The minimal infrastructure demands and compliance with zoning standards ensure it does not detract from the neighborhood's welfare. While not a critical public facility, the billboard's economic benefits align with the ordinance's intent to foster commercial development, satisfying this consideration.

OTHER CONSIDERATION 2: All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

STAFF ANALYSIS:

The site plan demonstrates efforts to minimize adverse effects through setback from Highway 20 and 1,000-foot spacing from other billboards and AE zones, reducing visual and safety impacts. The applicant's commitment to minimal landscape disturbance and compliance with electrical codes further mitigates effects. Given the commercial context and existing billboards, additional screening may not be necessary. Overall, the design and placement sufficiently minimizes adverse effects, meeting this consideration. The Board should consider questioning potential glare or lighting issues.

OVERALL ANALYSIS:

The CUP application for the LED billboard can meet compliance with the Woodbury County Zoning Ordinance's criteria and considerations. The proposed use is authorized in the GC Zoning District, aligns with the general plan's commercial development goals, and likely poses minimal adverse effects on traffic, utilities, or neighborhood character. The billboard's design and placement strive for compatibility with the commercial corridor, and its minimal infrastructure needs are easily met by existing services. The billboard contributes to economic welfare by supporting local advertising. Additionally, after seeking counsel with the county attorney office, it was agreed that the ordinance does not prohibit v-shaped or multiple faced billboards. The shape or number of faces of a billboard could be something that could be addressed in the course of the conditional use process (i.e. a specific condition could potentially be placed in the CUP related to those items). Counsel also noted that the other regulations in the ordinance pertaining to signs, e.g. ground signs, do not specify the number of faces and those often are front and back. Thus, the interpretation for billboards would be consistent with the way the ordinance has been applied to other types of signs.

Recommendation: Contingent upon information obtained and carefully evaluated from the public following the Board of Adjustment public hearing, the application appears that it could be approved. The proposal appears to align with zoning requirements and could be construed to support public interest through advertising economic benefits.

8. Standards for off-premise advertising signs.

- A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 addl. sq.ft. per 1' addl. separa- tion up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

- B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Excerpt from Section 5.02.8 of the Woodbury County Zoning Ordinance.



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

Zoning Ordinance
Section 2.02(9)

Page 1 of 6

CONDITIONAL USE PERMIT APPLICATION

Owner Information: Owner <u>Rent Properties</u> Address <u>204 Buckeye Circle, Lawton, Iowa</u> Phone <u>712-490-9981</u>	Applicant Information: Applicant <u>Kevin Heiss</u> Address <u>204 Buckeye Circle, Lawton, IA</u> Phone <u>712-898-6001</u>
We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to: <div style="text-align: center;"><u>Kevin Heiss</u></div>	
Property Information: Property Address or Address Range _____ Quarter/Quarter <u>N 2/3 N 1/2 NW 1/4</u> Sec <u>6</u> Twtnshp/Range <u>T88N R46W</u> Parcel ID # <u>88406100002</u> GIS # <u>812535</u> Total Acres <u>67.25</u> Current Use <u>Agricultural / Vacant Land</u> Proposed Use <u>Installation of a 14'x48' LED billboard for off-premise advertising</u> Current Zoning <u>GC</u>	
The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information). A formal pre-application meeting is recommended prior to submitting this application. Pre-app mtg. date <u>May 22, 2025</u> Staff present <u>Dan Priestley</u>	
The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property. This Conditional Use Permit Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval. Owner _____ Applicant _____ Date _____ Date _____	
Fee: <u>\$300*</u> Case #: <u>7068</u> Check #: <u>2389</u> Receipt #: _____	Date Received <div style="font-size: 2em; font-weight: bold; color: blue;">RECEIVED</div> <div style="color: red; font-weight: bold;">JUN - 3 2025</div> <div style="color: blue; font-weight: bold;">WOODBURY COUNTY PLANNING & ZONING</div>

Revised
June 4, 2025
Updated
Responses

Date Received WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT
Zoning Ordinance Section 2.02(9) Page 1 of 6 CONDITIONAL USE PERMIT APPLICATION

Owner Information: Owner _____ Rent Properties _____

Address _____ 204 Buckeye Circle, Lawton, Iowa _____

Phone _____ 712-490-9981 _____

Applicant Information: Applicant _____ Kevin Heiss _____

Address _____ 204 Buckeye Circle, Lawton, IA _____

Phone _____ 712-490-9981 _____

Property Information: Property Address or Address

Range _____

Quarter/Quarter _____ N 2/3 N 1/2 NW 1/4 _____ Sec _____ 6 _____ Twnshp/Range _____ T88N R46W _____

Parcel ID # _____ 88406100002 _____ GIS # _____ 812535 _____ Total Acres _____ 67.25 _____

Current Use _____ Agricultural / Vacant Land _____ Proposed Use _____ Installation of a 14'x48'
LED billboard for off-premise advertising _____

Current Zoning _____ GC _____

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

____ Construct a free standing off-premise biliboard on the (address), in accordance with he woodbury county zoning ordinance section 2.02(9) _____

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information). A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date _____ May 22, 2025 _____

Staff present _____ Daniel Priestley _____

The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property. This Conditional Use Permit Application is subject to and shall be required, as a condition of

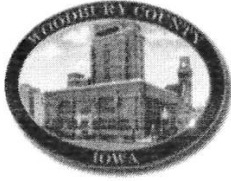
final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner Rent Properties Date 5/29/2025
Applicant Kevin Heiss Date 5/29/2025

Fee: \$300* Case #: _____ Check #: _____ Receipt #: _____

COMMUNITY AND ECONOMIC DEVELOPMENT FEE SCHEDULE BUILDING PERMITS FEE

New Dwelling	\$250	New Dwelling with Attached/Detached Garage under 300 sq. ft.	\$300	New Dwelling with Attached/Detached Garage over 300 sq. ft.	\$500
Accessory Structure under 300 sq. ft.	\$50	Accessory Structure over 300 sq. ft.	\$250	Commercial/Industrial Building (0-10,000 sq. ft.)	\$500
Commercial/Industrial Building over 10,000 sq. ft. – (\$50 for each additional 1,000 sq. ft. over 10,000).....	\$500+	SUBDIVISIONS FEE Final Plat for Minor Subdivision 4 Lots or Less.....	\$300*	Final Plat for Minor Subdivision more than 4 Lots (\$5 for each additional lot). \$300+*	
Preliminary Plat for Major Subdivision 4 Lots or Less.....	\$350*	Preliminary Plat for Major Subdivision more than 4 Lots (\$5 for each additional lot)	\$350+*	Final Plat for Major Subdivision 4 Lots or Less	\$350*
Final Plat for Major Subdivision More than 4 Lots (\$5 for each additional lot)	\$350+*	OTHER LAND USE PERMITS FEE Conditional Use Permit	\$300*	Floodplain Development Permit	\$110
Grading Permit	\$0	Sign Permit	\$50	Fence	\$50
TELECOMMUNICATION TOWERS FEE Tower Development Permit	\$500*	ADMINISTRATIVE REQUESTS/ACTIONS FEE Zoning Ordinance Amendment (text or map)	\$400*	Planned Development	\$400*
Variance	\$300*	Appeal of Administrator's Decision	\$300*	Research and Staff Investigation Time (\$40.00 per hour – minimum charge 2 hours)	
Photocopies (\$0.50 per page)	*ADDITIONAL FEES				



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

Zoning Ordinance
Section 2.02(9)
Page 1 of 6

CONDITIONAL USE PERMIT APPLICATION

Owner Information: Owner <u>Rent Properties</u> Address <u>204 Buckeye Circle, Lawton, Iowa</u> Phone <u>712-490-9981</u>	Applicant Information: Applicant <u>Kevin Heiss</u> Address <u>204 Buckeye Circle, Lawton, IA</u> Phone <u>712-898-6001</u>
We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to: <div style="text-align: center;"><u>Kevin Heiss</u></div>	
Property Information: Property Address or Address Range _____ Quarter/Quarter <u>N 2/3 N 1/2 NW 1/4</u> Sec <u>6</u> Twnshp/Range <u>T88N R46W</u> Parcel ID # <u>88406100002</u> GIS # <u>812535</u> Total Acres <u>67.25</u> Current Use <u>Agricultural / Vacant Land</u> Proposed Use <u>Installation of a 14'x48' LED billboard for off-premise advertising</u> Current Zoning <u>GC</u>	
<p>The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).</p> <p>A formal pre-application meeting is recommended prior to submitting this application.</p> Pre-app mtg. date <u>May 22, 2025</u> Staff present _____	
<p>The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.</p> <p>This Conditional Use Permit Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.</p> Owner _____ Applicant _____ Date _____ Date _____	
Fee: <u>\$300*</u> 2389 Check #: _____ Receipt #: _____	Date Received _____ Revised - June 4, 2025

PER SECTION 2.02(9)(C)(2) (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is the installation and operation of a 14-foot by 48-foot off-premise, double-sided LED billboard. The structure will be used for digital advertising visible from Highway 20, providing marketing opportunities for local businesses and services. The billboard will be constructed to meet county ordinance requirements, including setback and spacing standards, and will utilize minimal power with downward-facing LED lighting to reduce glare and light pollution. The sign will be programmed for appropriate content display duration as per county guidelines and located on privately owned commercial-zoned land.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

- The LED board is an authorized conditional use in the General Commercial (GC) Zoning District, as per the Woodbury County Zoning Ordinance. This parcel is zoned GC, and the proposed billboard conforms to the standards and permitted conditional uses within this zoning classification and certain commercial districts. This parcel is located on Highway 20 and adjacent to other parcels with an existing billboard across the road. The application follows the required spacing standards, setbacks, and structure regulations as seen in county ordinance. We plan to stay 1000ft from the original billboard as well as 1000ft from the AE zone that is to the Northwest of the property.

- (b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.

-- This project aligns with the county's future land use goals by placing signage along a major highway corridor, which supports local economic development while preserving compatibility with land use. This parcel is currently zoned General Commercial (GC), and the proposed use aligns with its current zoning designation and intended commercial development along Highway 20. (Tab at the end of each line to continue)

- (c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.

- The billboard is setback over 280 feet from the highway and more than 1,000 feet from any other billboard or AE-zoned lot, as shown in the attached site plan. Its placement makes sure that visibility, traffic safety, and neighborhood character are not negatively impacted. There will be no parking, public access, or utilities required on-site beyond minimal electrical service for the LED lighting, further minimizing disruption to the surrounding properties.

(Tab at the end of each line to continue)

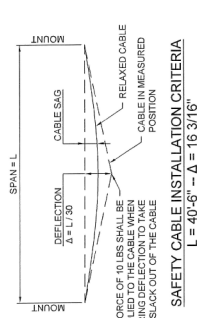
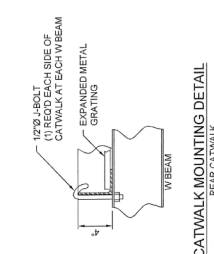
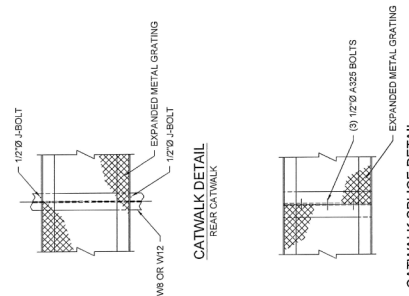
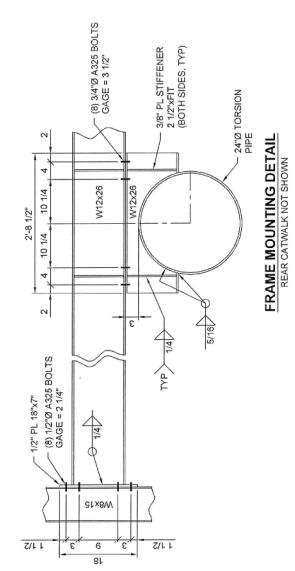
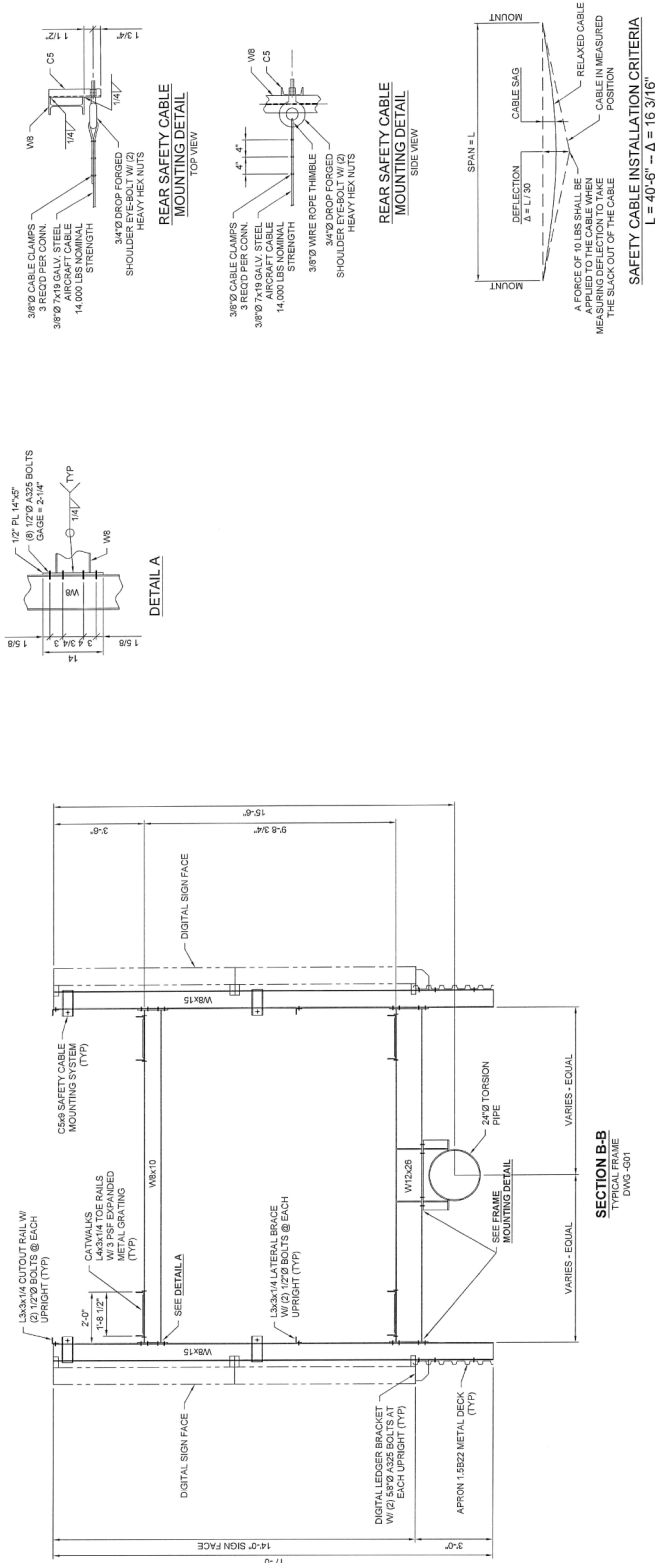
- (d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

- The parcel is around other large agricultural and commercial parcels, including an existing billboard to the east. The design, scale, and orientation of the sign match the existing conditions. Its placement maintains visual and operational consistency with surrounding development and does not hurt future use or development of adjacent land. (Tab at the end of each line to continue)

- (e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development.
- The billboard will require no water, sewer, or public access. Minimal electrical service for LED lighting will be installed per code and utility provider standards. As such, existing infrastructure is more than adequate for the proposed use. (Tab at the end of each line to continue)
- (f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.
- There are no historic, scenic, or environmentally sensitive features located on this parcel. The sign has been placed with ample spacing from nearby lots and with minimal disturbance to the natural landscape. The site is cleared, owned by the applicant, and does not encroach on any floodplain, protected area, or sensitive habitat. (Tab at the end of each line to continue)

SITE PLAN & SEPARATION DISTANCES





ALL STEEL STRUCTURES, INC.
1831 S. Worcester - Suite 1000, L. 6810-207
1-800-521-1759

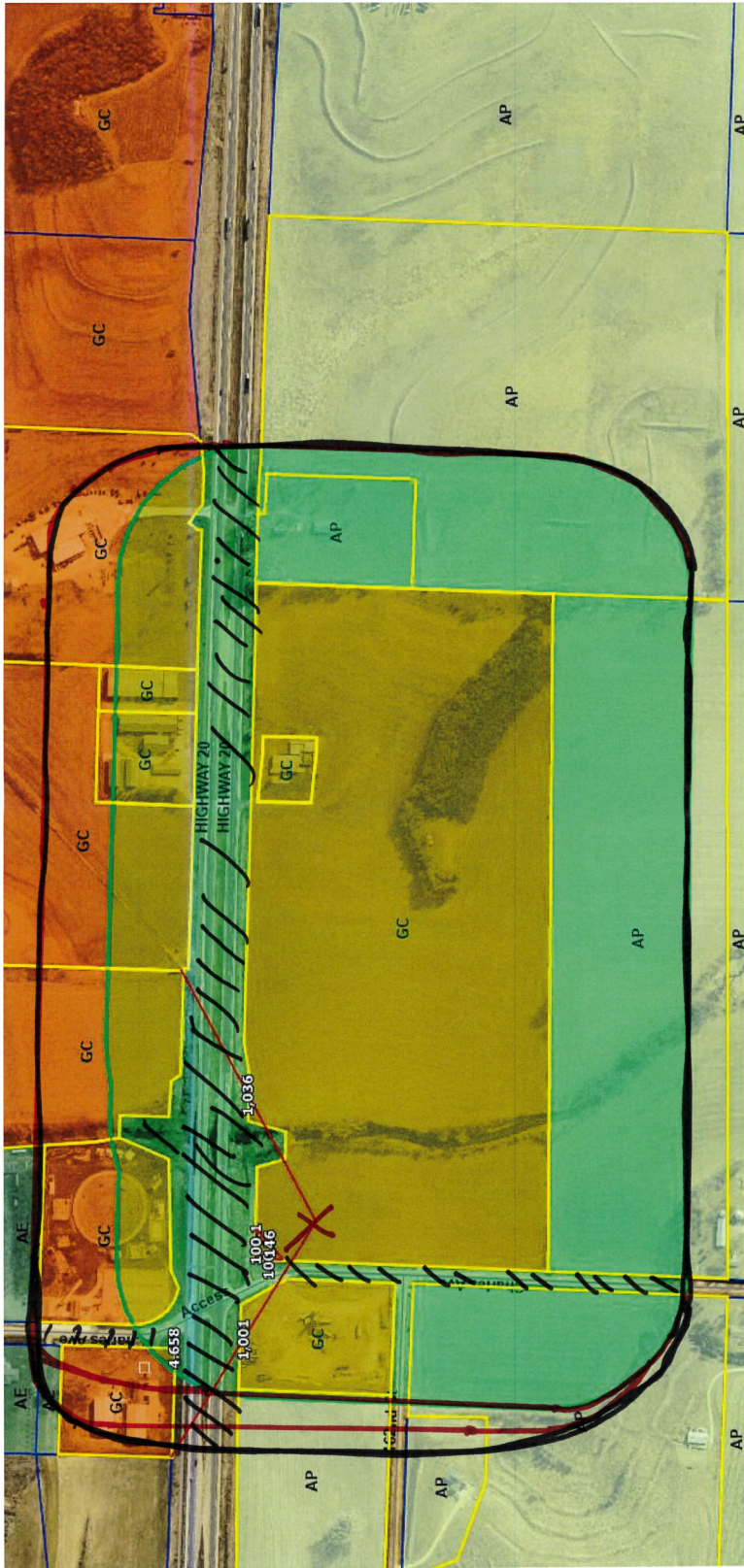
Job No. Prim Date 03/14/25

14'-0" x 48'-0"
CM, 20" V, 35" OAH
GENERAL ARRANGEMENT
ENGINEERING DWG. # NA

REVISION 0 - 03/14/25
DRAWING No. 1448 CM.20V.PW-022

CUSTOMER RTI RIVERSIDE TECH.
LOCATION HWY 20
SIOUX CITY, IA
ENC. 1A CAD MR
DATE NA

PRELIMINARY
NOT FOR CONSTRUCTION



BUILDING PERMIT APPLICATION

DocuSign Envelope ID: 27CEF833-3066-483D-8830-60218C43087A

RECEIVED
Received by:



WOODBURY COUNTY, IOWA APPLICATION FOR BUILDING PERMIT

JUN - 3 2025

WOODBURY COUNTY
PLANNING & ZONING

For Office Use:		Case No. <u>7069</u>	
Zoning District <u>GC</u>	Date Approved _____	Denied _____	By _____
Floodplain District _____	Map # _____	Fee _____	Ck/Rct # _____
GIS # <u>884606 100002</u>	Mail _____	Pick up _____	

In accordance with the Woodbury County Zoning Ordinance, the undersigned hereby applies for a building permit:

Landowner's name: Rent Properties LLC Phone: 712-898-6001

Mailing Address: 204 Buckeye Circle City: Lawton Zip: _____

Structure will be built at (address): No assigned number - Parcel located along Highway 20, Lawton, IA 51030

Occupied by: N/A

Quarter/quarter N 2/3 N 1/2 NW Section 6 Civil Township T88N Floyd

or

Subdivision _____ Block _____ Lot(s) _____

Name of Contractor: Kevin Heiss Phone: 712-898-6001

Address of Contractor: 204 Buckeye Circle, Lawton Iowa

Anticipated start date of construction: (month/day/year): 7/1/2025

Type of structure: 14' x 48' LED Billboard Will this be used for business purposes? Yes

Structure's Value: \$400,000 Size of parcel in acres: 67.25

Remarks: Structure will be used for off-premise advertising. Installed with lighting and electrical service, setback over 180 ft from Highway 20 and over 1,000 ft from adjacent billboard per zoning compliance

PLEASE READ CAREFULLY.

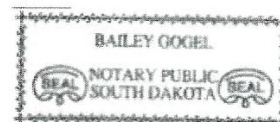
I, the undersigned, hereby understand and state that the land and building listed herein SHALL NOT BE OCCUPIED OR USED in whole or in part for any purpose whatsoever until the structure has been completed and reported as such to the County Office of Planning and Zoning; and to do so constitutes a violation of the Woodbury County Zoning Ordinance subject to misdemeanor charges. I further state that I have read the foregoing application and attachments and know the contents therein, and the facts contained are true and accurate.

Signature Kevin Heiss

This _____ day of 5/27, 20 25.

Bailey Gogel

Notary Public in and for Woodbury County, Iowa



AFTER THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED, THE PERMIT BECOMES NULL AND VOID IF CONSTRUCTION HAS NOT COMMENCED WITHIN 120 DAYS AND IN ANY EVENT ONE YEAR.

NOTICE TO APPLICANTS

Before returning the application for a building permit, please:

- Contact Siouxland District Health Department regarding sewage system and well regulations and permits. Phone: (712) 279-6119 | 1014 Nebraska St., Sioux City, IA.
- Determine your zoning designation by visiting: www.woodburycountyiowa.gov → Real Estate Map → Search by Name, Address, or Parcel Number → Click map → Scroll to "County Zoning."

For help, contact Community & Economic Development at (712) 279-6609.

Locating Road Right-of-Way:

- Call the Woodbury County Engineer's Office at (712) 279-6484 (Sioux City) or (712) 873-3215 (other areas).
- Show right-of-way width from the center of the road toward your property on your site plan.
- Setbacks are in addition to the right-of-way width.

The right-of-way is NOT the road's center, edge, or fence line. It may vary by parcel.

Important:

- Contact the Engineer for driveway/entrance info.
- You are responsible for correct boundary/right-of-way location.
- Submit a site plan with dimensions (including height).
- No construction may begin until a permit is approved and paid for.
- Verbal approvals are not valid.

WOODBURY COUNTY, IOWA – APPLICATION FOR BUILDING PERMIT

(For Office Use Only)

Case No: _____ Zoning District: _____ | Date: _____ | Approved/Denied: _____

Floodplain District: _____ | Map #: _____ | Fee: _____ | Check/Receipt #: _____

GIS #: _____ | Delivery: Mail _____ Pick-up _____

Applicant Info:

Landowner Name: _____ RENT Properties LLC _____ | Phone: __712-490-9981__

Mailing Address: 204 Buckeye Circle | City: Lawton, IA | Zip: 51030
Site Address: No assigned number – Parcel located along Highway 20, Lawton, IA 51030
Occupied By: N/A
Quarter/Quarter: N 2/3 N 1/2 NW | Section: 6 | Township: T88N
Subdivision: _____ | Block: _____ | Lot(s): _____
Contractor: Kevin Heiss | Phone: 712-490-9981
Contractor Address: 204 Buckeye Circle
Start Date (MM/DD/YYYY): 08/01/2025


Type of Structure: 14' x 48' LED Billboard
Used for business? Yes x / No _____
Structure Value: \$ 65,000 | Parcel Size (acres): 67.25

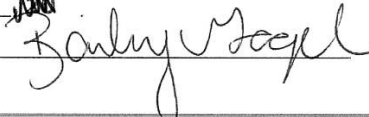
Remarks: Structure will be used for off-premise advertising. Installed with lighting and electrical service, setback over 180 ft from Highway 20 and over 1,000 ft from adjacent billboard per zoning compliance

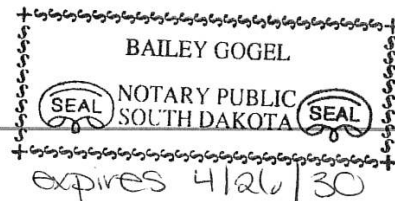
Declaration:

I understand the land/building shall NOT be occupied/used until completed and reported to the Planning & Zoning office. I affirm the application content is true and accurate.

Signature: Kevin Heiss 

Date: 5/27/2025 

Notary Signature: 



PERMIT EXPIRATION NOTICE:

Permit becomes null and void if construction does not begin within 120 days or is not completed within one year of approval.

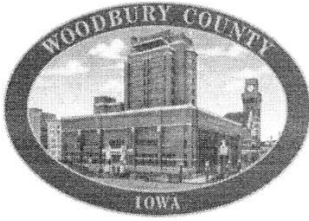
SITE PLAN INSTRUCTIONS

Include the following in your drawing (not to scale required):

- North arrow
- Adjacent road name
- County Right-of-Way (typically 33')
- Field entrances/driveways

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

Docusign Envelope ID: 27CEF833-3066-483D-8830-60218C43087A



WOODBURY COUNTY Floodplain Development Permit Application

Date: 5/30/25

TO THE ADMINISTRATOR: The undersigned hereby makes application for a Permit to develop in a flood plain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Woodbury County Flood Plain Management Ordinance and with all other applicable county ordinances and the laws and regulations of the State of Iowa.

<u>Rent Properties</u> (Owner or Agent) <u>204 Buckeye Circle, Lawton, Iowa</u> (Address) Telephone # <u>712-490-9981</u>	<u>Kevin Heiss</u> (Builder) <u>204 Buckeye Circle, Lawton, Iowa</u> (Address) Telephone # <u>712-490-9981</u>
---	--

1. Location: N 2/3 N 1/2 NW 1/4, Section 6, Township T88N Range: R46W

Street Address: N/A

GIS # 812535 8846 06 100002 Floyd GC

2. Type of Development: Billboard

Filling _____ Grading _____ Excavation _____ Routine Maintenance _____

Minor Improvement _____ Substantial Improvement _____ New Construction x _____

3. Description of Development: Installation of a 14'x48' LED off-premises advertising sign (billboard) on a monopole foundation. The structure will be built on a cleared lot and installed with necessary electrical hookups.

4. Premises: Size of site: 14 ft. x 48 ft. Area of Site: 675 for each sign faces will be install sq. ft.
Estimated cost: \$401,000

Principal Use: Commercial – Off-premise advertising (LED Billboard)

Accessory Uses (Storage, parking, etc.): Underground electrical service, access for maintenance, lighting system

5. Addition or modification to non-conforming use? Yes _____ No x Assessed value of structure \$ 400,000

6. Is property located in a designated Floodway (FW District)? Yes _____ No x

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE 100 YEAR (BASE) FLOOD ELEVATION.

7. Property located in a designated Floodway District (FW), Floodway Fringe (FF) General Flood Plain District (FP), Shallow Flooding District (SF), or Dam Failure Inundation District (DI)?

Yes _____ No x If so, indicate which one: _____

a. Elevation of the 100 year (Base) flood (identify source if other than FIRM): _____

b. Elevation of the proposed development site (natural ground): _____ MSL/NGVD

c. Required elevation/flood-proofing level for lowest floor: _____ MSL/NGVD

- d. Proposed elevation/flood-proofing level for lowest floor (including basement): _____ MSL/NGVD
 e. Other flood plain information (identify and describe source) _____

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED AT LEAST 1.0 FOOT ABOVE THE 100 YR. (BASE) FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON- RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOOD-PROOFED TO AT LEAST 1.0 FOOT ABOVE THE 100 YR. (BASE) FLOOD ELEVATION.

8. Other permits required?

Iowa Department of Natural Resources: Yes _____ No ☒ If yes, permit # _____
 Date Received: _____

Corps of Engineers: Yes _____ No ☒ If yes, permit # _____
 Date Received: _____

Other: _____

All provisions of the County of Woodbury Flood Plain Management Ordinance (Ordinance # : _____)
 shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this _____ Day of _____, 20 ____.

Kevin Heiss

 (Signature of Developer/Owner) (Authorizing Official)

Cc: Water Resources Section
 Iowa Department of Natural Resources
 Wallace State Office Building
 East 9th and Grand
 Des Moines, IA 50319

6/2/2025
 Date: _____

For Office Use Only

FPDP #: <u>7067 F</u>	Fee: \$ 110	<p>Received</p> <p>RECEIVED</p> <p>JUN - 3 2025</p> <p>WOODBURY COUNTY PLANNING & ZONING</p>
Approved: _____	Denied: _____	
Check #: <u>2388</u>	Receipt #: _____	
Map Panel #: <u>230E</u>	SFHA: _____	



11/20/2023

RENT PROPERTIES LLC
C/O BRYAN MESZ
MORTON BUILDINGS
1620 140TH ST
SIOUX CITY, IA 51106

Project Description: BFE Request for Parcel 884606100002. Applicant would like to place building on right (west) side of bank.; (Big Whisky Creek)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.4727/-96.2517; Woodbury County
Iowa DNR Project ID Number: 2023-1789

Dear Bryan Mesz:

This is in reference to your request for determination of the "100-year" flood elevation (a.k.a. the base flood elevation, or BFE) for the existing structure / property identified on your application. The Flood Insurance Rate Map (FIRM) for Woodbury County shows a portion of this property as being in the Special Flood Hazard Area (SFHA).

Based on the information available, we have estimated the current existing condition 100-year flood elevation, NAVD88 at the location referenced above (See Figure 1). You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please be aware when planning future construction that elevating beyond the required 1 foot above the BFE will not only reduce flood risk, but might also result in lower flood insurance rates.

Please contact me by phone at 515-393-1891 or by email at Meesha.Legg@dnr.iowa.gov with any questions.

Sincerely,

Meesha Legg

Digitally signed by
Meesha Legg
Date: 2023.11.20
16:18:03 -06'00'

Meesha Legg

Flood Plain Management and Dam Safety Section

CC: Kevin Heiss; Rent Properties LLC, 204 Buckeye Cr, Lawton, IA, 51030, kevinh@1rti.com
Dan Priestley; 620 Douglas Street, Floor 6, Sioux City, IA, 51101, dpriestley@woodburycountyiowa.gov

Attachments

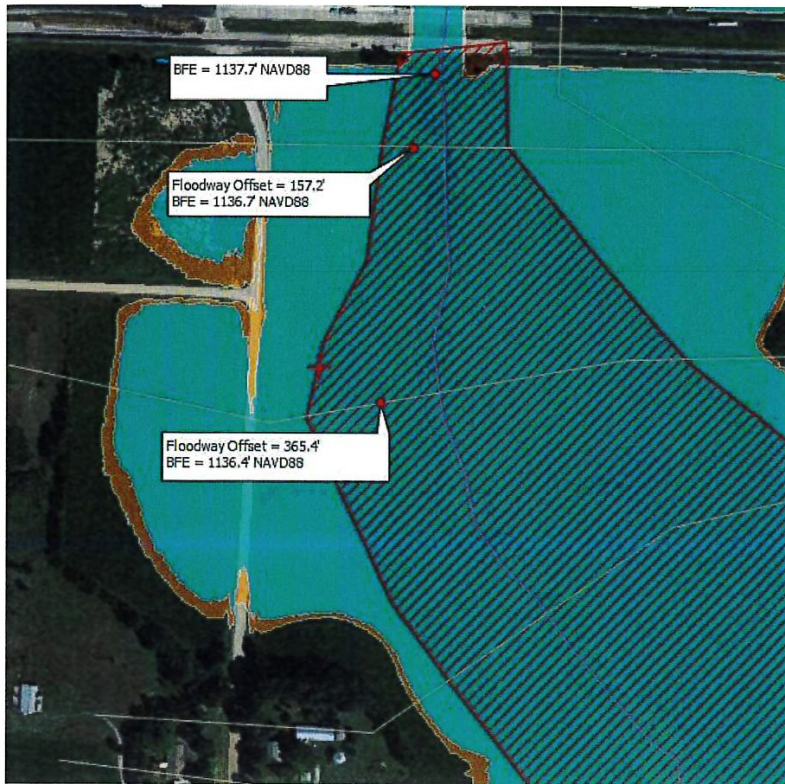


Figure 1. Visual floodway approximation. The offsets on the right (west) bank of Big Whisky Creek are labeled from the HECRAS model cross-sections and are measured from the center of the stream.

Nick Heiss

From: Slater Ohm
Sent: Thursday, May 29, 2025 1:52 PM
To: Nick Heiss
Subject: FW: Floodway Determination for Parcel 884606100002
Attachments: 2023-1789_FPBFEletter.pdf

We will need to submit with rest of the forms.

Slater Ohm | Director Business Development

Phone: 712-253-4800 | Fax: 866.812.5370
www.1RTI.com | Sohm@1rti.com

From: Conn, Jason <jason.conn@dnr.iowa.gov>
Sent: Wednesday, April 30, 2025 3:02 PM
To: Slater Ohm <Sohm@1RTI.com>; Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: Floodway Determination for Parcel 884606100002

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Slater and Dan,

I spoke with Meesha Legg regarding a prior project for Parcel 884606100002. During our conversation I noted the DNR calculated the Base Flood Elevation and determined the width of the floodway for this property in 2023. Meesha reviewed the information from this prior project (2023-1789) and determined it is still valid. I've attached the letter Meesha issued to the applicant in 2023.

Please note the 2nd page of the attachment includes a map that illustrates the floodway of Big Whiskey Cr. The floodway is that area within the blue shading w/ the red cross-hatching. You'll note the floodway offset from the top of the bank and the Base (i.e. 100-yr) Flood Elevation are listed on the map.

You will need to work with Dan Priestley at the Woodbury County Zoning Office to receive a local floodplain development permit. During our conversation you noted the bottom of the sign will be ~20ft above ground level. The sign itself will not be an issue since it'll be located well above the ground. However, the support posts must not be placed within the floodway as determined by Meesha.

Please don't hesitate to contact me if you have any questions or concerns.

Thank you,

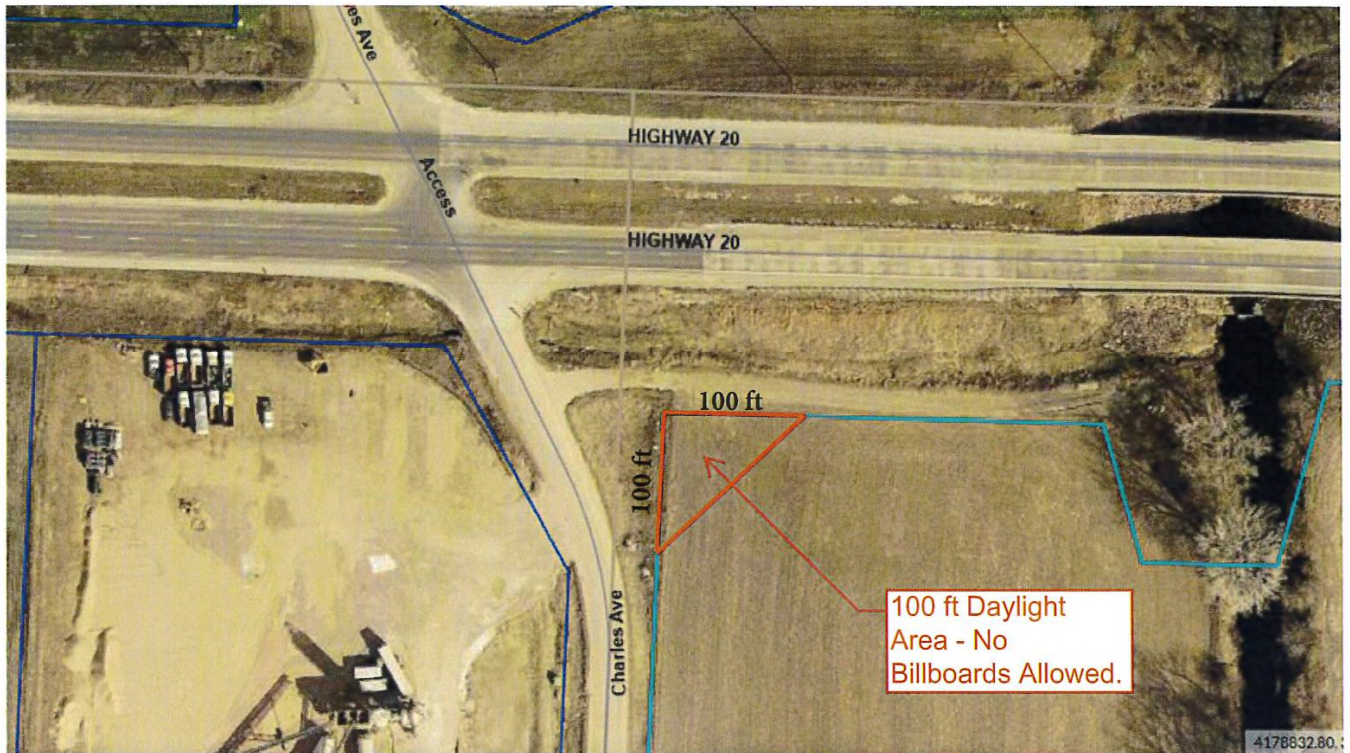
Jason Conn, CFM
NFIP State Coordinator
Floodplain Community Assistance Program
Department of Natural Resources

Nick Heiss

From: Slater Ohm
Sent: Thursday, May 29, 2025 2:03 PM
To: Nick Heiss
Subject: Hwy 20 c parcel photos



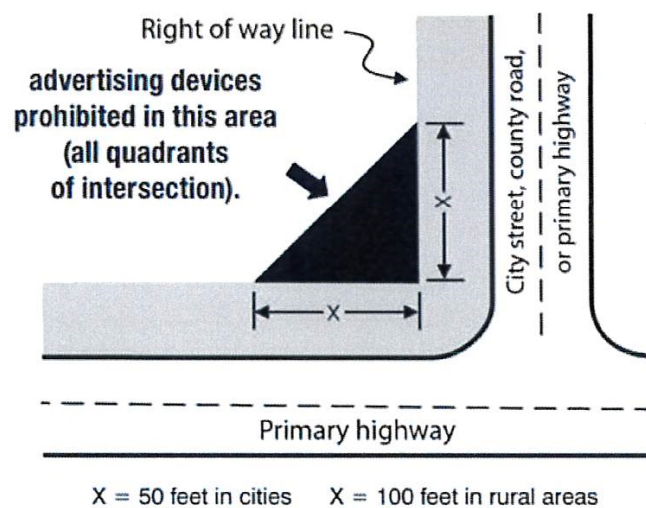




Alternate ID812535
Class A
Acreage 67.25

Owner Address RENT PROPERTIES LLC
204 BUCKEYE CIR
LAWTON, IA 51030


Figure 3
Sight distance at intersections
(daylight area)



LEGAL NOTIFICATION FOR BOARD OF ADJUSTMENT PUBLIC HEARING

TO BE PUBLISHED ON JUNE 19, 2025 AND JUNE 21, 2025

PROPERTY OWNER(S) NOTIFICATION

Property Owners within 500 Feet:	15	
Notification Letter Date:	June 19, 2025	
Public Hearing Board:	Board of Adjustment	
Public Hearing Date:	July 7, 2025 at 5:00 PM	
Phone Inquiries:	0	
Written Inquiries:	0	
The names of the property owners are listed below.		
When more comments are received after the printing of this packet, they will be provided at the meeting.		

PROPERTY OWNER(S)	MAILING ADDRESS					COMMENTS
Rent Properties, LLC	204 Buckeye Circle	Lawton	IA	51030		
Strachan Realty Company, LLC	1820 Hwy 20	Lawton	IA	51030		
Jerry E. Steffen & Vernell D. Steffen, Co-Trustees and their successors in Trust under the Jerry and Vernell Steffen Revocable Trust dated 9-3-2008	1528 Jewel Ave	Moville	IA	51039		
George F. Seubert & Mary Jane Seubert, as Trustees of the George E. and Mary Jane Seubert Revocable Trust dated 7-31-2023	2087 210th Street	Bronson	IA	51007-8021		
Charles Claude Neal, Life Estate interest with remainder to Everett Dean Neal and an undivided 1/2 interest to Everett Dean Neal and an undivided 1/2 interest to Lois Jeanette Deringer, Trustee of the Lois Jeanette Deringer Revocable Trust, under Agreement dated March 28, 2005	1637 Charles Ave	Lawton	IA	51030-9727		
AVE-PLP Properties, LLC, a Kansas limited liability company	58668 190th Street	Pacific Junction	IA	51561		
Todd Shumansky & Tara Shumansky, husband and wife, as joint tenants with full rights of survivorship	1275 Buchanan Ave	Sioux City	IA	51108		
RJ Tide Construction, Inc., an Iowa corporation	1821 Hwy 20	Lawton	IA	51030		
H & H Real Estate, LLC, an Iowa limited liability company	1624 180th Street	Sioux City	IA	51106		
Michael Pagan & Terri Pagan, husband and wife, as joint tenants with full rights of survivorship	1589 Charles Ave	Lawton	IA	51030		
Midwest Auto Properties, LLC, an Iowa limited liability company	1901 Hwy 20	Lawton	IA	51030		
Brian D. Peterson, a married person	1739 Charles Ave	Lawton	IA	51030		
An undivided 1/2 interest to Everett Dean Neal & an undivided 1/2 interest to Lois Jeanette Deringer, Trustee of the Lois Jeanette Deringer Revocable Trust, under Agreement dated March 28, 2005	1637 Charles Ave	Lawton	IA	51030-9727		
Dana D. Neal & Kimberly A. Neal, husband and wife, as joint tenants with full rights of survivorship	1774 162nd Street	Lawton	IA	51030		
Rent Properties, LLC	204 Buckeye Circle	Lawton	IA	51030		

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.

LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	No comments.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this Conditional Use Permit application. NIPCO has no issues with this request. – Jeff Zettel, 6/5/25.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	No comments.
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this application. – Neil Stockfleth, 6/5/25.
WOODBURY COUNTY TREASURER:	No comments.

PICTOMETRY



Woodbury County, IA / Sioux City

Parcel ID 884606100002
 Alternate ID 812535
 Property Address N/A
 Sec/Twp/Rng 6-88-46
 Brief (EX PT TO STATE)N2/3 N1/2 NW & EX A TCT BEG 517.76' W OF & 210.8' S NW1/4 & PT OF BEG;THE C S193.60' THEC W180' THEC N193.60' THEC
 Tax Description E180' TO PT OF BEG
 (Note: Not to be used on legal documents)
 Deed Book/Page 2023-04881 (6/2/2023)
 Gross Acres 67.25
 Exempt Acres 2.70
 Net Acres 64.55
 Adjusted CSR Pts 4607.85
 Zoning GC - GENERAL COMMERCIAL
 District 0026 FLOYD/LAWTON-BRONSON
 School District LAWTON BRONSON
 Neighborhood N/A

Owner

Deed Holder
[RENT PROPERTIES LLC](#)
[204 BUCKEYE CIR](#)
 LAWTON IA 51030
 Contract Holder
 Mailing Address
 RENT PROPERTIES LLC
 204 BUCKEYE CIR
 LAWTON IA 51030

Land

Lot Area 67.25 Acres ;2,929,410 SF

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Barn - Pole	CATTLE SHED	16	32	1987	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
6/1/2023	KUHLMANN THERESA M REVOCABLE TRUST	RENT PROPERTIES LLC	2023-04881	Normal	Deed	Y	\$1,375,000.00
6/29/2020	KUHLMANN THERESA M & MICHAEL D	KUHLMANN THERESA M & MICHAEL D REVOCABLE TRUST	2020-08094	No consideration	Deed		\$0.00

☐ Show There are other parcels involved in one or more of the above sales:

Permits

Permit #	Date	Description	Amount
4517	09/28/2004	Misc	0

Valuation

	2025	2024	2023	2022	2021	2020
Classi cation	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$181,260	\$154,370	\$154,370	\$119,920	\$119,920	\$112,870
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$181,260	\$154,370	\$154,370	\$119,920	\$119,920	\$112,870
- Exempt Value	(\$4,140)	(\$3,510)	(\$3,510)	(\$2,910)	(\$2,910)	(\$2,580)
= Net Assessed Value	\$177,120	\$150,860	\$150,860	\$117,010	\$117,010	\$110,290

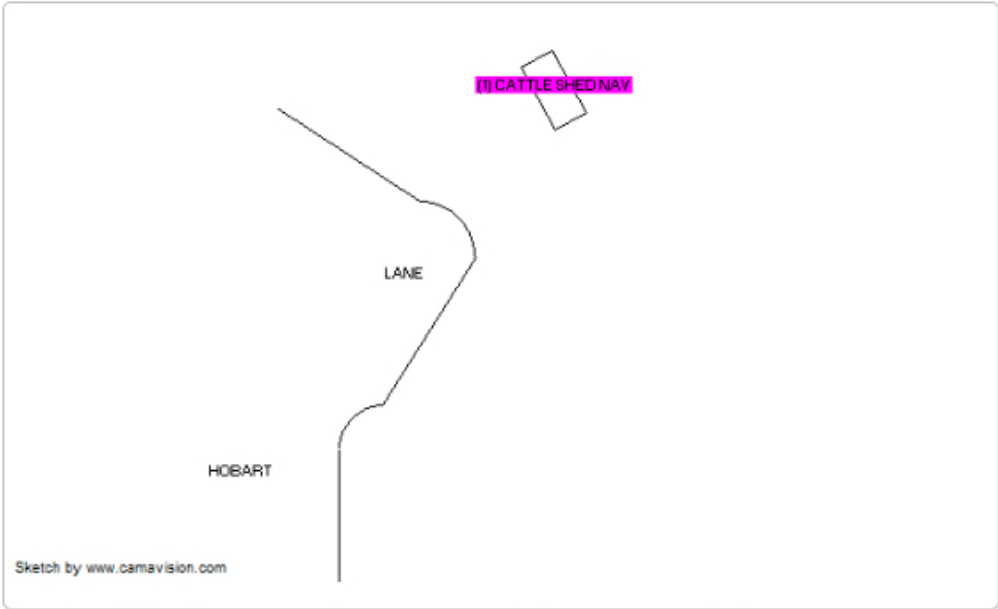
Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

Apply for Homestead or Military Tax Credit

Sketches



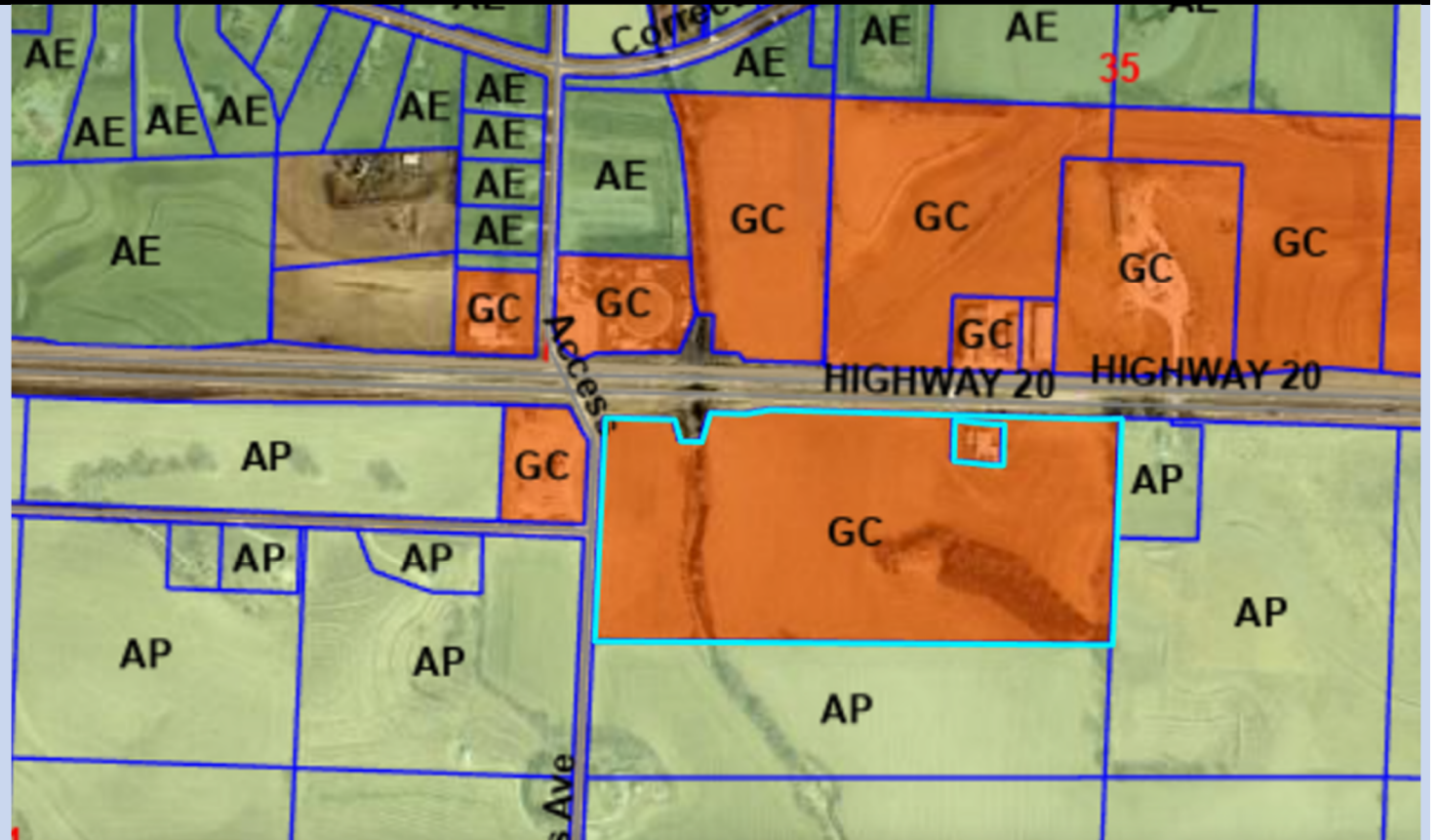
No data available for the following modules: Residential Dwellings, Commercial Buildings, Yard Extras, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos.

The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.
[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 6/3/2025, 6:44:28 PM

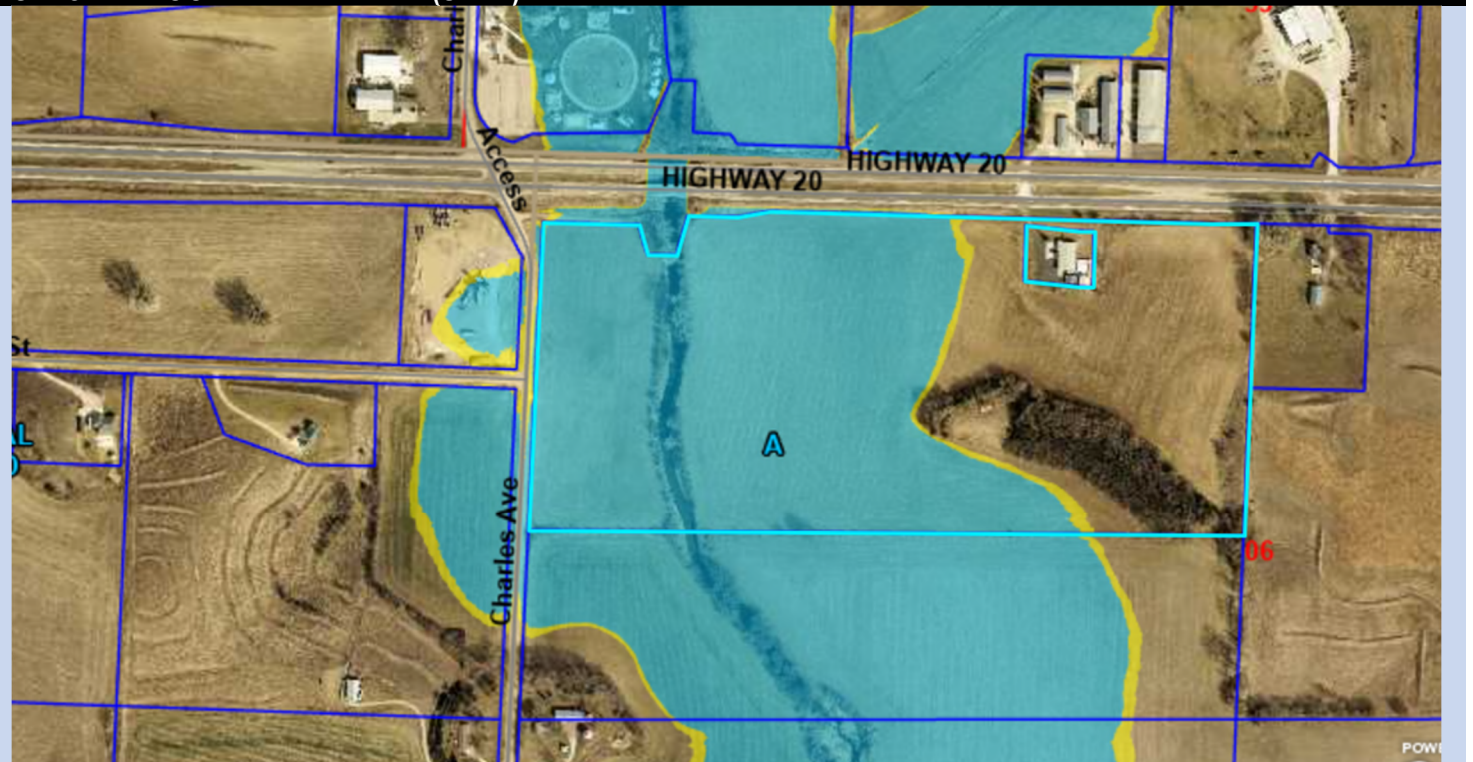
Contact Us

Developed by
SCHNEIDER
CORPORATION

ZONING MAP



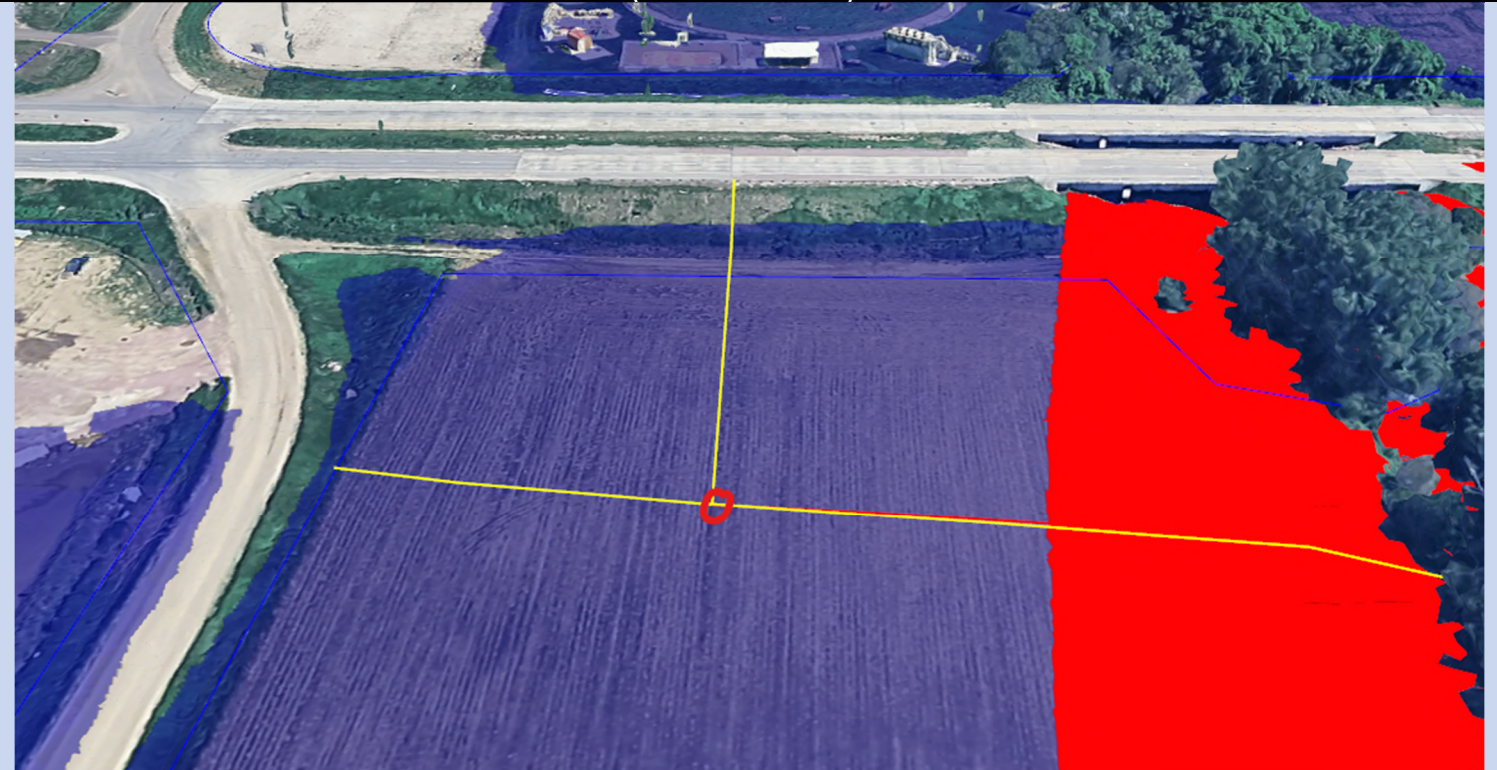
SPECIAL FLOOD HAZARD AREA (SFHA) MAP



ESTIMATED FLOODWAY MAP

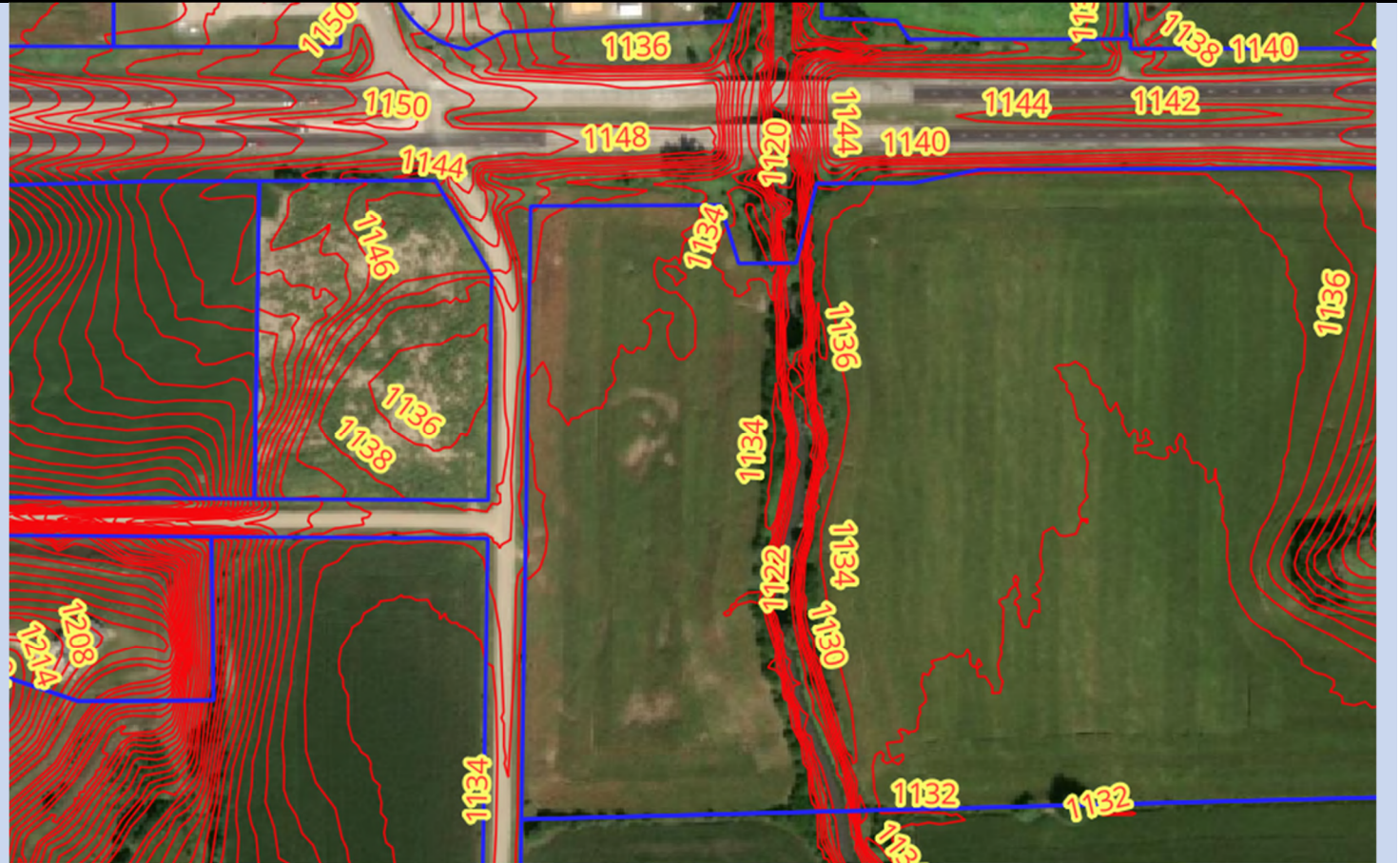


LOCATION MAPPING RELATIVE TO FLOODWAY (NOT SCIENTIFIC)



The image above is not scientific nor intended to represent a survey or exact location. Only provided for general informational purposes relative to the general floodway location.

ELEVATION MAP



SOIL MAP AND REPORT



Summary

Parcel ID	884606100002
Gross Acres	67.25
ROW Acres	0.00
Gross Taxable Acres	67.25
Exempt Acres	2.70
Net Taxable Acres	64.55 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	73.30 (4929.34 CSR2 Points / 67.25 Gross Taxable Acres)

Agland Active Config 2025

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	59.53	73.96	4,402.67	4,402.67
Non-Crop	5.02	70.89	355.86	212.22
Forest Reserve	2.70	63.26	170.81	110.25
Total	67.25		4,929.34	4,725.14

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	510B	Monona silt loam, terrace, 2 to 5 percent slopes	95.00	0.04	3.80	3.80
100% Value	12B	Napier silt loam, 2 to 5 percent slopes	93.00	0.59	54.87	54.87
100% Value	510B2	Monona silt loam, terrace, 2 to 5 percent slopes, eroded	92.00	2.97	273.24	273.24
100% Value	12C	Napier silt loam, 5 to 9 percent slopes	89.00	5.70	507.30	507.30
100% Value	510C2	Monona silt loam, terrace, 5 to 9 percent slopes, eroded	88.00	4.40	387.20	387.20
100% Value	670	Rawles silt loam, 0 to 2 percent slopes, occasionally floode	82.00	34.26	2,809.32	2,809.32
100% Value	701	Wilsey silt loam, 0 to 2 percent slopes, occasionally floode	79.00	0.60	47.40	47.40
100% Value	700D2	Monona silty clay loam, terrace, 9 to 14 percent slopes, ero	62.00	0.56	34.72	34.72
100% Value	1D3	Ida silt loam, 9 to 14 percent slopes, severely eroded	32.00	6.96	222.72	222.72
100% Value	1E3	Ida silt loam, 14 to 20 percent slopes, severely eroded	18.00	3.45	62.10	62.10
Non-Crop	12C	Napier silt loam, 5 to 9 percent slopes	89.00	0.04	3.56	1.91
Non-Crop	510C2	Monona silt loam, terrace, 5 to 9 percent slopes, eroded	88.00	0.13	11.44	6.18
Non-Crop	670	Rawles silt loam, 0 to 2 percent slopes, occasionally floode	82.00	2.39	195.98	109.44
Non-Crop	700D2	Monona silty clay loam, terrace, 9 to 14 percent slopes, ero	62.00	2.28	141.36	91.18
Non-Crop	1D3	Ida silt loam, 9 to 14 percent slopes, severely eroded	32.00	0.02	0.64	0.63
Non-Crop	1E3	Ida silt loam, 14 to 20 percent slopes, severely eroded	18.00	0.16	2.88	2.88
Forest Reserve	12C	Napier silt loam, 5 to 9 percent slopes	89.00	0.03	2.67	1.85
Forest Reserve	510C2	Monona silt loam, terrace, 5 to 9 percent slopes, eroded	88.00	0.10	8.80	4.75
Forest Reserve	700D2	Monona silty clay loam, terrace, 9 to 14 percent slopes, ero	62.00	2.57	159.34	103.65
Total				67.25	4,929.34	4,725.14