

Minutes - Woodbury County Board of Adjustment – August 4, 2025

The Board of Adjustment meeting convened on the 4th of August 2025 at 5:03 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

Meeting Audio:

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

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/board_of_adjustment/
 - YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=40BEhvb30Cc>
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BA Members Present:	Daniel Hair, Pam Clark, Larry Fillipi
BA Members Absent:	Tom Thiesen, Doyle Turner
County Staff Present:	Dan Priestley, Dawn Norton
Public Present:	Dana Neal (Phone), Slater Ohm, Kevin Heiss

1. Call to Order

- **Time:** 5:03 PM
- **Action:** Chair Daniel Hair called the meeting to order, noting the absence of board members Tom Thiesen and Doyle Turner.
- **Details:** The meeting was audio-recorded, and minutes were to be prepared. Attendees were requested to silence cell phones and complete the attendance sheet. Chair Hair reviewed the board's procedures, including handling public hearings, staff reports, applicant presentations, public comments, and board deliberations. He outlined the process for motions, votes, and appeals, emphasizing respectfulness and avoidance of repetitious comments.

2. Public Comment on Matters Not on the Agenda

- **Action:** Chair Hair opened the floor for public comments on non-agenda items.
- **Outcome:** No public comments were received.

3. Receipt of New Material

- **Action:**
 - o **Motion:** Pam Clark moved to receive new material submitted prior to the meeting.
 - o **Second:** Larry Fillipi seconded the motion.
 - o **Discussion:** Daniel Priestley noted that the material was a document from Woodbury County Rural Electric Cooperative (REC) regarding regulations for grain bins and electricity, intended for local officials.
 - o **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The motion carried, and the new material was received into the record.

4. Approval of Previous Meeting Minutes

- **Agenda Item:** Approval of the minutes from the July 7, 2025, meeting.
- **Action:**
 - o **Motion:** Pam Clark moved to approve the minutes from the previous meeting.
 - o **Second:** Larry Fillipi seconded the motion.
 - o **Discussion:** No further discussion was held.
 - o **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The minutes were approved as presented.

5. Public Hearing: Conditional Use Permit Application from Bruce Sorensen (Bruce & Rochelle Sorensen Living Trust)

- **Agenda Item:** Consideration of a conditional use permit (CUP) application from Bruce Sorensen, representing the Bruce & Rochelle Sorensen Living Trust, to operate a borrow pit for earth materials to

remove a hill and construct a driveway for access to the hilltop on Parcel #894531200004, located at 2086 150th Street, Lawton, IA 51030, in the Agricultural Estates (AE) Zoning District.

- **Public Hearing Opened:**
 - **Time:** Approximately 5:05 PM
 - **Action:** Chair Hair opened the public hearing.
- **Staff Report:**
 - **Presenter:** Daniel Priestley, Zoning Coordinator
 - **Details:** Priestley provided a summary of the application, noting that grading and removal had begun but were paused due to zoning requirements. The project was classified as a borrow pit under Section 3.03.4 of the Woodbury County Zoning Ordinance, requiring a CUP in the AE Zoning District. The Zoning Commission reviewed the application on July 28, 2025, and recommended approval with conditions, including submission of a haul route, operational plan (hours and timeline), a Stormwater Pollution Prevention Plan (SWPPP), and Iowa Department of Natural Resources (IDNR) NPDES #2 permit. Priestley highlighted IDNR concerns about exposed soil and erosion, recommending temporary erosion control measures (e.g., straw or seeding) if the project exceeds 14 days. The project aligns with public interest by improving driveway safety and removing a snow trap, benefiting county maintenance.
- **Applicant Presentation:** No applicant or representative was present to speak.
- **Public Comments:** No public comments were received, either in person or via telephone.
- **Public Hearing Closed:**
 - **Motion:** Pam Clark moved to close the public hearing.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** No further discussion was held.
 - **Vote:** Unanimous approval (all present voted "Aye").
 - **Outcome:** The public hearing was closed.
- **Board Deliberation:**
 - **Discussion:** Priestley explained that the project began under a misunderstanding, as the applicant, a farmer, believed it was exempt under agricultural provisions. The county engineer approved a driveway permit, but the removal of dirt beyond the applicant's farm triggered zoning requirements. The Board of Supervisors amended the ordinance to allow CUPs in AE districts, addressing such scenarios. The board discussed the Zoning Commission's recommended conditions, including an operational plan, SWPPP, NPDES #2 permit, and a one-year permit expiration. Priestley confirmed that staff could enforce grading permit requirements, including erosion control. The board agreed that the project's temporary nature and minimal impact on adjacent properties supported approval with conditions.
- **Decision:**
 - **Motion:** Daniel Hair moved to approve the conditional use permit with the following conditions:
 1. Submission of an operational plan detailing haul routes, hours of operation, dust control, noise mitigation, and a project completion timeline.
 2. Submission of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of erosion control (even if temporary) and site reclamation measures to minimize environmental impact.
 3. Compliance with all county and state regulations for borrow pit operations, including submission of copies of the NPDES #2 permit from the Iowa Department of Natural Resources.
 4. The permit's expiration date will be one year from the date of the chair's signature on the resolution.
 5. The permit will be issued upon receipt of the above-mentioned conditions to the satisfaction of the county.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** The board confirmed the conditions were reasonable and aligned with zoning ordinance criteria (Section 2.02-9), particularly minimizing adverse effects on adjacent properties and ensuring compliance with state regulations. Priestley noted minimal public input, suggesting community acceptance of the temporary project.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The conditional use permit was approved with the specified conditions. The permit will be issued upon receipt of the required documents, with the chair's signature setting the one-year expiration date. Staff will coordinate with the applicant and IDNR to ensure compliance.

6. Public Hearing: Variance Application from Kevin Heiss (Rent Properties LLC)

- **Agenda Item:** Consideration of a variance application from Kevin Heiss, representing Rent Properties LLC, to consider alternative locations for a 14' x 48' double-sided LED billboard on Parcel #884606100002, seeking to reduce required separations and setbacks from other off-premise signs and zoning districts (AE, NR, SR) to facilitate a conditional use permit request.
- **Public Hearing Opened:**
 - **Time:** Approximately 5:20 PM
 - **Action:** Chair Hair opened the public hearing.
- **Staff Report:**
 - **Presenter:** Daniel Priestley, Zoning Coordinator
 - **Details:** Priestley noted that this variance application followed the tabling of a related CUP application on July 7, 2025, due to public concerns about lighting impacts. The applicant proposed two alternative locations (Location 2 and Location 3) to reduce setbacks from 1,000 feet to a range of 200–1,000 feet for both off-premise signs and AE, NR, and SR zoning districts, moving closer to the General Commercial (GC) Zoning District's 50-foot front yard setback requirement. The property is in a Special Flood Hazard Area (Zone A), but both proposed locations appear outside the floodway, per non-scientific GIS data. The Zoning Commission reviewed the variance as a courtesy on July 28, 2025, reaffirming their prior CUP recommendation. Priestley highlighted that Iowa House File 652 (effective July 1, 2025) lowered the threshold for variances by emphasizing “practical difficulties” over economic hardship. The comprehensive plan supports commercial development along Highway 20, and the variance addresses unique zoning and spacing constraints.
- **Applicant Presentation:**
 - **Presenter:** Kevin Heiss, 204 Buckeye Circle, Lawton, IA 51030, representing Rent Properties LLC
 - **Key Points:** Heiss explained that Location 1 (original site) complied with all setback requirements but was less desirable due to public feedback. Locations 2 and 3 were proposed to address concerns, with Location 2 preferred due to better accessibility (existing road), alignment with other Highway 20 signs, and reduced light impact on nearby residences (1,140 feet from Dana Neal's property vs. 1,070 feet for Location 1). Location 3 was viable but closer to other residences and potential tree issues. The billboard, costing \$360,000–\$400,000, uses modern LED technology with automatic dimming to 4% at night to minimize light pollution. Heiss noted compliance with Iowa DOT's 300-foot spacing requirement and discussions with neighbors, including Jerry Steffen, who supported the project.
 - **Additional Presenter:** Slater Ohm, 527 Sandstone Circle, Merville, IA
 - **Key Points:** Ohm emphasized that Location 2 reduces light impact further and aligns with the commercial corridor's future development. The light study for Location 1 showed minimal impact (0.01 foot-candle at Neal's property), and Location 2's additional distance enhances this. The billboard's V-shaped design ensures visibility from Highway 20 without backlighting.
- **Public Comments:**
 - **Presenter:** Dana Neal, 1774 162nd Street, Lawton, IA 51030 (via telephone)
 - **Comments:** Neal supported Locations 2 or 3, preferring Location 3 but acknowledging Location 2's suitability for the applicant. He appreciated the applicant's efforts to explore alternative locations.
- **Public Hearing Closed:**
 - **Motion:** Pam Clark moved to close the public hearing.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** Priestley clarified that the motion should specify a location (2 or 3) and include the requested setback range (200–1,000 feet) for clarity in subsequent permits. The board discussed the need to balance applicant flexibility with ordinance compliance.
 - **Vote:** Unanimous approval (all present voted “Aye”).
 - **Outcome:** The public hearing was closed.
- **Board Deliberation:**
 - **Discussion:** The board favored Location 2 due to its accessibility, reduced light impact, and alignment with the commercial corridor. Location 3 was less preferred due to potential tree issues and proximity to the floodway. The board confirmed that the variance aligns with Iowa House File 652's “practical difficulties” standard, addressing zoning and spacing constraints without compromising public safety or neighborhood character. The 200–1,000-foot range was deemed necessary to allow flexibility while meeting the 50-foot GC setback.
- **Decision:**

- **Motion:** Larry Fillipi moved to approve the variance for Location 2, reducing the zoning ordinance's required separation of 1,000 feet between off-premise signs to a range of 200–1,000 feet and the required separation of 1,000 feet from AE, NR, and SR zoning districts to a range of 200–1,000 feet, moving closer to the GC Zoning District's minimum 50-foot front yard setback requirement.
- **Second:** Pam Clark seconded the motion.
- **Discussion:** The board streamlined the motion to ensure clarity, focusing on the setback reductions for Location 2. Priestley confirmed that the motion supports subsequent permitting processes (building and floodplain development permits).
- **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The variance was approved for Location 2 with the specified setback reductions, facilitating the CUP application in the next agenda item.

7. Public Hearing: Conditional Use Permit Application from Kevin Heiss (Rent Properties LLC)

- **Agenda Item:** Consideration of a conditional use permit (CUP) application from Kevin Heiss, representing Rent Properties LLC, to construct and operate a 14' x 48' double-sided LED billboard for off-premise advertising on Parcel #884606100002, located in the General Commercial (GC) Zoning District along Highway 20 and Charles Avenue.
- **Public Hearing Opened:**
 - **Time:** Approximately 5:35 PM
 - **Action:** Chair Hair opened the public hearing.
- **Staff Report:**
 - **Presenter:** Daniel Priestley, Zoning Coordinator
 - **Details:** Priestley noted that the CUP application follows the variance approval for Location 2. The billboard is a permitted conditional use in the GC Zoning District under Sections 3.03.4 and 5.02.8 of the Woodbury County Zoning Ordinance. The Zoning Commission recommended approval on June 23, 2025, and reaffirmed this on July 28, 2025, acknowledging Locations 2 and 3 as responsive to public input. The variance approval simplifies the CUP decision, as Location 2 meets ordinance standards with adjusted setbacks. The billboard supports economic development along Highway 20, with minimal infrastructure demands and compliance with floodplain regulations.
- **Applicant Presentation:** No additional comments were provided by the applicant, as the variance discussion covered key points.
- **Public Comments:**
 - **Presenter:** Dana Neal, 1774 162nd Street, Lawton, IA 51030 (via telephone)
 - **Comments:** Neal had no further comments, expressing satisfaction with the variance outcome.
- **Public Hearing Closed:**
 - **Motion:** Pam Clark moved to close the public hearing.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** No further discussion was held.
 - **Vote:** Unanimous approval (all present voted "Aye").
 - **Outcome:** The public hearing was closed.
- **Board Deliberation:**
 - **Discussion:** The board found the CUP straightforward, as the variance approval addressed setback concerns. The billboard's compliance with zoning standards, minimal impact, and public support (from Neal and Steffen) justified approval. Priestley recommended referencing the variance in the motion for clarity.
- **Decision:**
 - **Motion:** Daniel Hair moved to approve the conditional use permit for Location 2, with all expectations from the variance approval.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** The board confirmed that the CUP aligns with the variance, ensuring compliance with ordinance criteria (Section 2.02-9) and supporting commercial development.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The conditional use permit was approved for Location 2, contingent on the variance conditions. Staff will process the building and floodplain development permits, with the chair signing the resolution within days.

8. Public Comment on Matters Not on the Agenda

- **Action:** Chair Hair opened the floor for additional public comments.

- **Outcome:** No comments were received.

9. Staff Update

- **Presenter:** Daniel Priestley
- **Details:**
 - **Nuclear Ordinance Modifications:** Priestley noted that the Board of Supervisors will hold the third reading of nuclear ordinance modifications on August 5, 2025, at 4:30 PM. The changes establish a permitting framework for potential nuclear energy facilities or waste storage sites via a CUP process, with a 10-mile notification radius to enhance public input. No specific project is proposed; the framework ensures readiness for future applications.
 - **Second Dwelling Legislation:** Priestley reported that new state legislation allows a second dwelling on a property without a CUP, subject to a building permit. The dwelling must be 1,000 square feet or 50% of the primary structure's size (whichever is greater) and meet a minimum dimension of 23x23 feet. The county is updating its ordinance to comply with this law.
- **Outcome:** The board acknowledged the updates, with Chair Hair thanking staff for their efforts.

10. Board Member Comment or Inquiry

- **Outcome:** No comments or inquiries were raised by board members.

11. Adjournment

- **Action:**
 - **Motion:** Pam Clark moved to adjourn the meeting.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** No further discussion was held.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The meeting was adjourned at approximately 7:00 PM.

12. Appendix – Items Received



Woodbury

July 22, 2025

Woodbury County Zoning Board
6th Floor
Woodbury County Court House
620 Douglas Ave.
Sioux City, Iowa 51101

Dear Sir:

When processing a loan for a new grain bin, please advise your customer that they must contact their local electric utility.

The electric cooperative will provide assistance in planning for a safe environment for everyone working and living around grain bins. The State of Iowa requires specific clearances for electric lines around grain bins, with different standards for those filled by portable and permanent augers, conveyors and elevators.

The attachment to this letter shows a drawing of the specific clearances required for both scenarios. If you have any questions concerning the drawings, please contact Woodbury County Rural Electric Cooperative (REC) or the Northwest Iowa Power Cooperative (NIPCO).

According to the Iowa Electric Safety Code found in Iowa Administrative Code Chapter 199 – 25.2(3)b. *An electric utility may refuse to provide electric service to any grain bin built near an existing electric line that does not provide the clearances required by the ANSI C2-2023 "National Electrical Safety Code," Rule 234F. This paragraph applies only to grain bins loaded by portable augers, conveyors or elevators and built after September 9, 1992, or to grain bins loaded by permanently installed augers, conveyors, or elevator systems installed after December 24, 1997. (As adopted by the Iowa Utilities Board)*

Woodbury County REC and NIPCO are required by the Iowa Utilities Board to provide this annual notice to farmers, farm lenders, grain bin merchants, and city and county zoning officials. If you have any questions concerning clearances regulations, please call Woodbury County REC at (712)873-3125 or NIPCO at (712)546-4141.

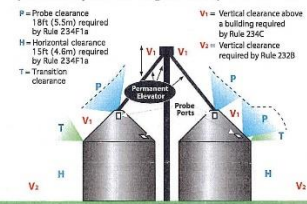
Sincerely,

Jason Jasperson
Director of Member Services

Owned By Those Served

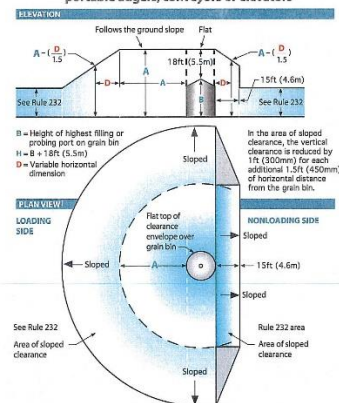
1495 Humbolt Ave.
P.O. Box 566
Menville, Iowa 51039
Telephone: (712) 873-3125
800-469-3125
Fax: (712) 873-5377

Clearance envelope for grain bins filled by permanently installed augers, conveyors or elevators



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Clearance envelope for grain bins filled by portable augers, conveyors or elevators



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