

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

Date: 7/5/23

Weekly Agenda Date: 7/11/23 4:45

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Daniel Priestley

**WORDING FOR AGENDA ITEM:**

a)Receive final report-Zoning Commission recommendation for Zoning Ordinance Amendments to temporary heavy construction services uses from prohibited to conditional in the General Commercial and Highway Commercial Zoning Districts.b)Conduct Public Hearing on proposed amendments.c) Approve 1st Reading of the Ordinance as the final.d)Waive the 2nd and 3rd Readings.e)Adopt Zoning Ordinance Amendment

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing at 4:45 PM to discuss the Zoning Commission's recommendation for Zoning Ordinance Text Amendments to temporary heavy construction services uses from prohibited uses to conditional uses in the General Commercial and Highway Commercial Zoning Districts for Aggregate crush & screen (temporary); Asphalt mixing (temporary); and Concrete mixing (temporary).

**BACKGROUND:**

On June 13, 2023, the Woodbury County Board of Supervisors approved a motion to direct the Woodbury County Zoning Commission to initiate a review process and provide a recommendation of a Zoning Ordinance Text Amendment to temporary heavy construction services uses from prohibited uses to conditional uses in the General Commercial and Highway Commercial Zoning Districts for Aggregate crush & screen (temporary); Asphalt mixing (temporary); and Concrete mixing (temporary). On June 26, 2023, the Zoning Commission conducted a public hearing. No comments of opposition were received. The Commissioners voted 4-0 to recommend approval to the Board of Supervisors.

**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:**

Receive final report and Zoning Commission recommendation from their 6/26/23 meeting.  
Open and close the public hearing. (Set Time: 4:45 PM)  
Conduct and approve the first reading of the ordinance as the final reading.  
Waive the second reading and the third reading of the ordinance.  
Adopt the Zoning Ordinance Text Amendment  
If necessary, the 2nd and 3rd public hearings/readings been scheduled for July 18 at 4:45 PM and July 25 at 4:45 PM.

**ACTION REQUIRED / PROPOSED MOTION:**

- a) Receive final report-Zoning Commission recommendation for Zoning Ordinance Amendments to temporary heavy construction services uses (Aggregate crush & screen(temporary);Asphalt mixing (temporary);& Concrete mixing (temporary)) from prohibited to conditional in the General Commercial and Highway Commercial Zoning Districts.
- b) Conduct Public Hearing on proposed amendments.
- c) Approve 1st Reading of the Ordinance as the final.
- d) Waive the 2nd and 3rd Readings.
- e) Adopt Zoning Ordinance Amendment.

**ORDINANCE NO. \_\_\_\_\_**

**WOODBURY COUNTY, IOWA**

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*.

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 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Aggregate crush & screen (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

**Amendment #2 –**

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Asphalt mixing (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

**Amendment #3 –**

On page 37: To modify the following uses within multiple zoning districts in the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Temporary heavy construction services” category as follows:

To repeal and replace the following uses: *Concrete mixing (temporary)* “Prohibited use” represented as “--” in the “GC” (General Commercial Zoning District) column and in the “HC” (Highway Commercial Zoning District) column with a “Conditional use” represented with a “C” to be placed in both the “GC” (General Commercial Zoning District) and “HC” (Highway Commercial Zoning District) columns.

**THE WOODBURY COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Matthew Ung, Chairman

\_\_\_\_\_  
Jeremy Taylor, Vice-Chairman

\_\_\_\_\_  
Daniel Bittinger II

Attest:

\_\_\_\_\_  
Mark Nelson

\_\_\_\_\_  
Patrick Gill, Woodbury County Auditor

\_\_\_\_\_  
Keith Radig

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\_\_\_\_\_



# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. • Sixth Floor • Sioux City, IA 51101 • Phone: 712.279.6609 • Fax: 712.279.6530 • Web: woodburycountyiowa.gov

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

Dawn Norton – Senior Clerk • dnorton@woodburycountyiowa.gov

## FINAL REPORT – JULY 5, 2023

The Zoning Commission Public Hearing for review was held on June 26, 2023. No comments of opposition were received. The Commission voted 4-0 to recommend approval to the Board of Supervisors. This item was placed on the Woodbury County Board of Adjustment's July 3, 2023 agenda as an information item to update the board and further inform the public.

### ZONING ORDINANCE TEXT AMENDMENT PROPOSAL

**SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS:** AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF SECTION 3.03.4 ENTITLED: LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT. THE PROPOSAL IS TO REPEAL THE "PROHIBITED USES" FOR "AGGREGATE CRUSH & SCREEN (TEMPORARY)," "ASPHALT MIXING (TEMPORARY)," AND "CONCRETE MIXING (TEMPORARY)," IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT AND THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT AND REPLACE WITH "CONDITIONAL USES" FOR "AGGREGATE CRUSH & SCREEN (TEMPORARY)," "ASPHALT MIXING (TEMPORARY)," AND "CONCRETE MIXING (TEMPORARY)," IN BOTH THE GC AND HC ZONING DISTRICTS.

### CURRENT

#### LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT

ok Principal allowed use C Conditional use A Accessory use TU Temporary use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	--	--	C	C
Asphalt mixing (temporary)	C	--	--	--	--	--	C	C
Concrete mixing (temporary)	C	--	--	--	--	--	C	C

### PROPOSED

#### LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT

ok Principal allowed use C Conditional use A Accessory use TU Temporary use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	C	C	C	C
Asphalt mixing (temporary)	C	--	--	--	C	C	C	C
Concrete mixing (temporary)	C	--	--	--	C	C	C	C

## COMMENTS

### MARK NAHRA, PE – WOODBURY COUNTY ENGINEER

**From:** Mark Nahra  
**Sent:** Tuesday, June 13, 2023 9:28 AM  
**To:** Daniel Priestley  
**Subject:** RE: Comments Requested Zoning Ordinance Text Amendment - Temporary Construction Services

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dan,

I would endorse the change in language. The county will undoubtedly have need for temporary plant sites for asphalt and concrete paving of our roads, in addition to similar needs for Iowa DOT projects. Competitive project bidding and reasonable project costs depend upon the availability of potential temporary plant sites in close proximity to project corridors. Opening up these two zoning districts to conditional use for temporary plant sites makes sense and gives alternatives to utilizing productive farm land for this purpose.

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

### JEFF ZETTEL, ENGINEERING TECH - NIPCO

**From:** Jeff Zettel <jzettel@nipco.coop>  
**Sent:** Tuesday, June 13, 2023 9:09 AM  
**To:** Daniel Priestley  
**Cc:** Jayme Huber  
**Subject:** RE: Comments Requested Zoning Ordinance Text Amendment - Temporary Construction Services

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dan,

Have reviewed this zoning request.

NIPCO has no issues with this request.

Thanks,

Jeff Z

  
A Touchstone Energy® Cooperative   
Northwest Iowa Power Cooperative  
31002 County Road C38, PO Box 240  
**Jeff Zettel** – Engineering Tech.  
712-546-3533  
877-384-3002-fax

## CASEY MEINEN, LEAD, ELECTRIC DISTRIBUTION ENGINEERING – MIDAMERICAN ENERGY

**From:** Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>  
**Sent:** Monday, June 12, 2023 7:54 AM  
**To:** Daniel Priestley  
**Subject:** RE: [INTERNET] Comments Requested Zoning Ordinance Text Amendment - Temporary Construction Services

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Daniel,

I have reviewed the following proposed zoning ordinance changes for MEC electric, and we have no conflicts.

Let me know if you have any questions.

**Casey Meinen**  
**Lead, Electric Distribution Engineering**  
[Casey.meinen@midamerican.com](mailto:Casey.meinen@midamerican.com)

**Phone (712-233-4831)**



## NEIL STOCKFLETH – WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT

**From:** Stockfleth, Neil <NStockfleth@cfindustries.com>  
**Sent:** Monday, June 12, 2023 7:44 AM  
**To:** Daniel Priestley  
**Subject:** RE: Comments Requested Zoning Ordinance Text Amendment - Temporary Construction Services

**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 WQCC and DO NOT ENTER any data.**

Dan:

The WCSWCD has no comment regarding this amendment.

Neil



**Neil Stockfleth**

*Environmental Specialist, Port Neal Nitrogen Complex*

Office: 1.712.233.6276

Cell: 1.712.251.5155

[nstockfleth@cfindustries.com](mailto:nstockfleth@cfindustries.com)



**Minutes - Woodbury County Zoning Commission Meeting – June 26, 2023**

The Zoning Commission (ZC) meeting convened on the 26<sup>nd</sup> of June at 6:00 PM in the 1<sup>st</sup> Floor Board of Supervisor’s Meeting Room, in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zant, Corey Meister, Tom Bride, Barb Parker  
 County Staff Present: Dan Priestley, Dawn Norton  
 Public Present: Gayle Palmquist, Leo Jochum  
 Phone: Thomas Treharne

**Call to Order**

Chair Chris Zant formally called the meeting to order at 6:00 PM.

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

None

**Approval of Previous Meeting Minutes – May 22, 2023**

Bride motioned. Second: Parker. Motion carried: 4-0.

**Public Hearing: Proposed Zoning Ordinance Text Amendment Concerning Temporary Heavy Construction Services:**

Priestley read into record the summary of proposed Zoning Ordinance Text amendments: An ordinance amending the text of the Woodbury County Zoning ordinance to amend portions of section 3.03.4 entitled: Land Use Summary Table of allowed uses in each zoning district. The proposal is to repeal the “prohibited uses” for “aggregate crush & screen (temporary),” “asphalt mixing (temporary),” and “concrete mixing (temporary),” in the General Commercial (GC) zoning district and the Highway Commercial (HC) zoning district and replace with “Conditional Uses” for “aggregate crush & screen (temporary),” “asphalt mixing (temporary),” and “concrete mixing (temporary),” in both the GC and HC zoning districts.

<b>CURRENT</b>								
<b>LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT</b>								
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Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	--	--	C	C
Asphalt mixing (temporary)	C	--	--	--	--	--	C	C
Concrete mixing (temporary)	C	--	--	--	--	--	C	C

<b>PROPOSED</b>								
<b>LAND USE SUMMARY TABLE OF ALLOWED USES (Section 3.03.4 of the Woodbury County Zoning Ordinance) - EXCERPT</b>								
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Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	C	C	C	C
Asphalt mixing (temporary)	C	--	--	--	C	C	C	C
Concrete mixing (temporary)	C	--	--	--	C	C	C	C



DRAFT PROPOSAL  
LANGUAGE – SUBJECT  
TO CHANGES

ORDINANCE NO. \_\_\_\_\_

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**Amendment #2 –**

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**Amendment #3 –**

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**THE WOODBURY COUNTY BOARD OF SUPERVISORS**

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Jeremy Taylor, Vice-Chairman

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Daniel Bittinger II

Attest:

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Mark Nelson

\_\_\_\_\_  
Patrick Gill, Woodbury County Auditor

\_\_\_\_\_  
Keith Radig

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

Motion to close public hearing: Meister. Second: Parker. Carried: 4-0. Bride motioned to approve amendments included in the draft proposal. Second: Meister. Motion approved: 4-0.

**Information/Discussion: Update on Zoning Commission May 22, 2023 Recommendation For Solar Energy Systems Amendments Proposal to Woodbury County Zoning Ordinance. Summary of Proposed Zoning Ordinance Text Amendments:**

As directed by the Woodbury Zoning Commission on Monday, May 22, 2023, the Woodbury County Attorney's office worked with staff to review/revise the language in the draft ordinance amendments concerning solar to account for net metering opportunities prior to this language being sent to the Board of Supervisors (BoS) for up to three (3) public hearings. This is being brought back to the Zoning Commission as an "Information / Discussion" item to update the Commission and the public about the revisions. The public hearing dates before the Board of Supervisors are yet to be determined.

**Information/Discussion: Meeting Time and Location for the Woodbury County Zoning Commission as Referenced in the Rules of Procedure.**

Discussion of changing Zoning Commission meeting time. The commissioners presented were open to 5:00 pm as a potential start time. Any change would require a vote of the commission to change the rules of procedures. Additionally, it would require an affirmative vote by the Board of Supervisors.

**Public Comment on Matters not on the Agenda:**

Gayle Palmquist spoke on carbon pipelines.

**Commissioner Comment or Inquiry:**

None

**Staff Update:**

Priestley stated that the Board of Supervisors public hearings on the proposed Zoning Ordinance Text Amendment concerning Temporary Heavy Construction Services will be July 11, 18, and 25. The board has the authority to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings.

Motion to adjourn: Meister. Second: Parker. Carried 4-0. Meeting concluded at 6:34 pm.