

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

Date: 11/27/22

Weekly Agenda Date: 11/1/22 4:40

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Co

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation to approve Zoning Ordinance Text Amendment to the Zoning Ordinance for the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the route in unincorporated Woodbury County. b. Conduct 1st Public Hearing on the Zoning Ordinance Text Amendment. c. Approve the 1st Reading of the Ordinance.

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 4:40 PM to discuss a proposed Zoning Ordinance Text Amendment to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County. Following the public hearing, the Board may defer consideration of the proposal for further study; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the text of the Zoning Ordinance.

BACKGROUND:

On October 11, 2022, 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 the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County.

On Monday, October 24, 2022, following a public hearing, the Woodbury County Zoning Commission voted 4-0 to recommend approval of the Zoning Ordinance Text Amendment to the Woodbury County Board of Supervisors. Staff also recommends approval of the Zoning Ordinance Text Amendment.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT:

Amendment to the Woodbury County Zoning Ordinance to amend portions of: the Table of Contents; Section 3.03.4 entitled: Land Use Summary Table of Allowed Uses in each Zoning District; portions of Section 6.02 entitled Definitions; and to add a new section proposed and referenced as Section 5.07 entitled Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol to the Woodbury County Zoning ordinance. The purpose of this Amendment is to assist county officials to control the public health and safety issues created by the infusion of a large number of people in the county by establishing regulations for vendors in the unincorporated areas of Woodbury County during the Des Moines Register’s Annual Great Bicycle Ride Across Iowa (RAGBRAI).

FINANCIAL IMPACT:

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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 10/24/22 meeting.
Open and close the public hearing. (Set Time: 4:40 PM)
Conduct and approve the first reading of the ordinance.
The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 11/8/22 at 4:40 PM, and Tuesday, 11/15/22 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

a. Receive final report-Zoning Commission recommendation to approve Zoning Ordinance Text Amendment to the Zoning Ordinance for the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the route in unincorporated Woodbury County. b. Conduct 1st Public Hearing on the Zoning Ordinance Text Amendment. c. Approve the 1st reading of the ordinance.



WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

RAGBRAI ZONING ORDINANCE TEXT AMENDMENT PROPOSAL FINAL REPORT 10/24/22

BOARD OF SUPERVISORS DIRECTION

On October 11, 2022, 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 the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT:

Amendment to the Woodbury County Zoning Ordinance to amend portions of: the Table of Contents; Section 3.03.4 entitled: *Land Use Summary Table of Allowed Uses in each Zoning District*; portions of Section 6.02 entitled *Definitions*; and to add a new section proposed and referenced as Section 5.07 entitled *Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol* to the Woodbury County Zoning ordinance. The purpose of this Amendment is to assist county officials to control the public health and safety issues created by the infusion of a large number of people in the county by establishing regulations for vendors in the unincorporated areas of Woodbury County during the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI).

ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION

On Monday, October 24, 2022, following a public hearing, the Woodbury County Zoning Commission voted 4-0 to recommend approval of the Zoning Ordinance Text Amendment to the Woodbury County Board of Supervisors. Staff also recommends approval of the Zoning Ordinance Text Amendment.

Zoning Commission Public Notice Date: October 15, 2022

Zoning Commission Public Hearing Date: October 24, 2022

Board of Supervisors Public Notice Date: October 27, 2022

Board of Supervisors Public Hearing Dates and Set Times: November 1 at 4:40 PM; November 8 at 4:40 PM; November 15 at 4:45 PM. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors.

Minutes - Woodbury County Zoning Commission Special Meeting – October 24, 2022

The Zoning Commission (ZC) meeting convened on the 24th of October at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Tom Bride, Barb Parker, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley, Dawn Norton, Michael Montino, Mark Nahra
Public Present: Deb Main, Gayle Palmquist, Kristi Franz

Call to Order

Vice-Chair Tom Bride formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – October 5, (Special Meeting) 2022

O'Tool motioned. Second: Parker 4-0.

Public Hearing: Zoning Ordinance Text Amendment for RAGBRAI Special Events

On October 11, 2022, 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 the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County. The Amendment to the Woodbury County Zoning Ordinance is to amend portions of the Table of Contents; Section 3.03.4 entitled: *Land Use Summary Table of Allowed Uses in each Zoning District*; portions of Section 6.02 entitled *Definitions*; and to add a new section proposed and referenced as Section 5.07 entitled *Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol* to the Woodbury County Zoning ordinance. The purpose of the Amendment is to assist county officials to control the public health and safety issues created by the infusion of a large number of people in the county by establishing regulation for vendors in the unincorporated areas of Woodbury County during the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI). This amendment would apply to the day before, during and day after scheduled RAGBRAI event. No sales of goods, services, or food would be permitted within the right-of-way. If an organization chooses to include alcohol sales, a Conditional Use Permit application would need to be submitted along with a site plan and presented to the Zoning Commission for review and the Board of Adjustment for approval. Kristi Franz from Explore Sioux City spoke of the organization's support of this amendment. Motion to close public hearing: Meister. Second: Parker. Approved 4-0. Motion to recommend approval to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Information/Discussion: Permitting Process for Hazardous Liquid Pipelines

Priestley reported that the Woodbury County Board of Supervisors directed staff and the Woodbury County Zoning Commission on October 11, 2022 to initiate a review process and recommendation of a Zoning Ordinance Text Amendment to the Woodbury County Zoning Ordinance to address the permitting of Hazardous Liquid Pipelines. Priestley discussed research about the safety of pipelines including the initial response setback for a carbon leak/rupture as being 330 feet as cited in the Emergency Response Guide which is a guide available to first responders. Priestley also discussed consultation and planning zones as possible options for an ordinance. Woodbury County Engineer Mark Nahra also addressed the Commission offering information about possible setbacks. Woodbury County Emergency Manager Michael Montino addressed the Commission by offering information about the numerous variables involved in factoring the siting pipelines. He indicated that the acquisition of more data would be required. Montino recommended the hiring of an independent expert to review and consult on the positive and negative aspects of the pipeline including positioning, safety, and other areas of concern. Deb Main addressed the Commission offering concerns about protecting the public from the effects of CO2 pipelines. Gayle Palmquist also addressed the Commission and discussed communication of information to the Commission members as well safety concerns that she has found in various studies. O'Tool suggested possibly looking at the pipeline issue regionally and examining other county actions. Meister inquired about the location of shut off valves being 20 miles vs. a shorter distance. Bride stated that the Commission will continue to review and research the pipeline further.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment of Inquiry

None

Staff Update

Priestley stated RAGBRAI Ordinance will go before the Board of Supervisors in approximately a week, three Public Hearings will be read.

Adjourn

Motion by Meister. Second: O'Tool. 4-0. The meeting adjourned at 7:00 PM.

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Planning & Zoning
Accounts Payable
620 DOUGLAS STREET 6TH FLOOR
SIOUX CITY IA 51101

ORDER NUMBER 52699

Subscribed and sworn before me in Sioux City, in said County,

this 17 day of October, 2022

Timothy J. Simpson

Michelle Graham Notary Public

In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 10/15/2022

TOTAL AD COST: 30.15
FILED ON: 10/17/2022

NOTICE OF PUBLIC HEARING
WOODBURY COUNTY ZONING ORDINANCE
TEXT AMENDMENT
WOODBURY COUNTY PLANNING AND
ZONING COMMISSION

The Woodbury County Planning and Zoning Commission will hold a public hearing on the following item of business, hereafter described in detail, on Monday, October 24, 2022 at 6:00 PM or as soon as possible thereafter as the matter may be considered. Said hearing shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors Meeting Room, Number 104. Public access to the conversation will also be made available during the meeting by telephone. Persons wanting to participate in the public hearing may attend in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# 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. Copies of said item may now be examined in the Auditor's office in said Courthouse between the hours of 8:00 AM to 4:30 PM Monday through Friday by any interested persons. All persons who wish to be heard in respect to this matter should appear at or participate in the aforesaid hearing.

Item One (1)
SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT: Amendment to the Woodbury County Zoning Ordinance to amend portions of: the Table of Contents; Section 3.03-4 entitled: Land Use Summary Table of Allowed Uses in each Zoning District; portions of Section 6.02 entitled Definitions; and to add a new section proposed and referenced as Section 5.07 entitled Special Event - RAGBRAI and Special Event - RAGBRAI with Alcohol to the Woodbury County Zoning ordinance. The purpose of this Amendment is to assist county officials to control the public health and safety issues created by the infusion of a large number of people in the county by establishing regulations for vendors in the unincorporated areas of Woodbury County during the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI).

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: THE *TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF SECTION 6.02 ENTITLED *DEFINITIONS*; AND TO ADD A NEW SECTION REFERENCED AS SECTION 5.07 ENTITLED *SPECIAL EVENT – RAGBRAI AND SPECIAL EVENT – RAGBRAI WITH ALCOHOL* TO THE WOODBURY COUNTY ZONING ORDINANCE; AND

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 iii: To add the following to the *Table of Contents, Article 5 Supplemental Requirements*:

Add Section 5.07: Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol....81

Amendment #2 –

On pages 32, 33, 34, 35, 36, 37, 38, and 39: To add the following use category within the zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District*:

Add the term “TU Temporary use” to the top portion of the “Land Use Summary Table of Allowed Uses in each Zoning District” between the “ok Principal allowed use” and “Conditional use” categories.

Amendment #3 –

On page 36: 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*:

“Special Event – RAGBRAI”. With placement of the letters “TU” within the AP (Agricultural Preservation), AE (Agricultural Estates), GC (General Commercial), HC (Highway Commercial), LI (Limited Industrial), and GI (General Industrial) zoning districts columns of the table related to this line-item use.

Amendment #4 –

On page 36: 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*:

“Special Event – RAGBRAI, with alcohol”. With placement of the letter “C” within the AP (Agricultural Preservation), AE (Agricultural Estates), GC (General Commercial), HC (Highway Commercial), LI (Limited Industrial), and GI (General Industrial) zoning districts columns of the table related to this line item use.

Amendment #5 –

On page 93: To repeal and replace the definition of “Use, Allowed” in Section 6.02.172 from “Use, Allowed. A principal, conditional or accessory use that may be established in conformance with the regulations of the zoning district in which it is located.” to:

“Use, Allowed. A principal, conditional, accessory or temporary use that may be established in conformance with the regulations of the zoning district in which it is located.”

Amendment #6 –

On page 81: To add the following section within the zoning ordinance entitled Section 5.07: *Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol*.

Section 5.07: Special Event – RAGBRAI and Special Event – RAGBRAI with Alcohol

1. **Purpose.** The purpose of this Ordinance is to assist county officials to control the public health and safety issues created by the infusion of a large number of people in the county by establishing regulations for vendors in the unincorporated areas of Woodbury County during the Des Moines Register’s Annual Great Bicycle Ride Across Iowa (RAGBRAI).
2. **Definitions.**
 - A. RAGBRAI. The term RAGBRAI is an acronym for the Des Moines Register’s Annual Great Bicycle Ride Across Iowa event.
 - B. Use, Temporary. A use permitted within a designated zoning district and established for a fixed period of time with the intent of terminating such use upon the expiration of the time period. In the case of RAGBRAI, when held in Woodbury County, Iowa, the temporary use shall be limited to a period of time starting no more than one day prior to the start of the official event date in Woodbury County and terminating no more than one day after the completion date of RAGBRAI in Woodbury County.
3. **Special Event – RAGBRAI.** The sale of food, beverages (excluding alcohol products), goods, and services during the designated timeframe of RAGBRAI when hosted in Woodbury County, Iowa is a temporary use and shall be limited to a period of time starting no more than one day prior to the start of the official event date in Woodbury County and terminating no more than one day after the end of said event. The temporary use shall only be conducted from private property and shall not be conducted from the right-of-way. Temporary uses for RAGBRAI may not be appropriate in every zoning district. Refer to the Section 3.03.4: Land Use Summary Table of Allowed Uses in each Zoning District for the appropriate zoning district. The sale of alcohol products is prohibited unless a Conditional Use Permit is obtained from the Woodbury County Board of Adjustment.
4. **Special Event – RAGBRAI with alcohol. Conditional Use Permit required.** If a property owner desires to offer alcohol as part of the Special Event – RAGBRAI, a conditional use permit application shall be submitted to the Community and Economic Development office as per the subsections 2.02.9 and 5.07 of the Zoning Ordinance. The application must come accompanied with a temporary site plan that shall show the location of all existing buildings, existing parking, proposed temporary tents, canopies, structures, and fences, proposed temporary parking, and other features as required by the Zoning Director.
5. **Documentation.** The property owner shall be responsible for obtaining and complying with all necessary federal, state and local permits including, but not limited to liquor licensing and submit all appropriate documentation to the Zoning Director for review and the Planning and Zoning Commission and Board of Adjustment if a conditional use permit is required.

Adopted by the Woodbury County Board of Supervisors on the _____ day of _____, 2022.

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Keith Radig, Chairman

Jeremy Taylor, Vice-Chairman

Rocky De Witt

Attest:

Matthew Ung

Patrick Gill, Woodbury County Auditor

Justin Wright

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 _____