

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

Date: 4/25/24

Weekly Agenda Date: 4/30/24 4:40

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley

WORDING FOR AGENDA ITEM:

A) Public hearing to consider zoning ordinance text amendments to the Floodplain Management Ordinance in the Zoning Ordinance Section 5.03. B) Approve the second reading of the Ordinance.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE WITH REVISED LANGUAGE TO MEET THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

BACKGROUND:

On March 25, 2024, the Woodbury County Zoning Commission voted to recommend an ordinance amending the text of the Woodbury County Zoning Ordinance to amend portions of Section 5.03 Floodplain Management Ordinance. The purpose of the proposed amendments are to bring the county's floodplain regulations into compliance with federal and state regulations in anticipation of the new floodplain maps that will go into effect in Woodbury County on July 17, 2024. This action is required so the county may continue its good standing in the National Flood Insurance Program (NFIP).

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:

Open and close the public hearing (Set Time - 4:40 PM)

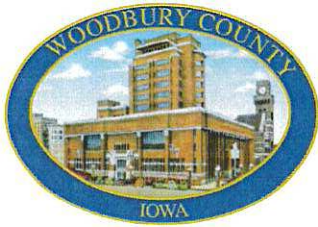
Conduct and approve the first reading of the Ordinance.

The third and final reading of the ordinance has been scheduled for Tuesday, May 7, 2024 at 4:40 PM.

ACTION REQUIRED / PROPOSED MOTION:

A) Public hearing to consider zoning ordinance text amendments to the Floodplain Management Ordinance in the Zoning Ordinance Section 5.03.

B) Approve the second reading of the Ordinance.



WOODBURY COUNTY
ZONING COMMISSION

WOODBURY COUNTY COURTHOUSE
620 DOUGLAS STREET
SIOUX CITY, IA 51101

Woodbury County Board of Supervisors
620 Douglas Street
Sioux City, Iowa 51101

RE: Zoning Commission Section 5.03 - Floodplain Management Ordinance Zoning Ordinance Text Amendment Recommendation

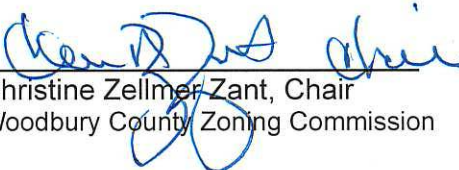
Dear Board of Supervisors:

The Woodbury County Zoning Commission voted 5-0 to recommend approval of the proposed Zoning Ordinance Text Amendment to Section 5.03 - Floodplain Management Ordinance in the Woodbury County Zoning Ordinance following the public hearing on March 25, 2024.

The proposed amendments are required for the county's continued good standing in the National Flood Insurance Program (NFIP) as regulated by Federal Emergency Management Agency (FEMA). The Iowa Department of Natural Resources has provided the county with these requested changes and have subsequently approved the Zoning Ordinance Text Amendment as being suitable for compliance with FEMA's regulations within the draft ordinance as included with this letter. These changes are required in anticipation of the new Federal Flood Insurance Rate Maps (FIRMs) that will go in effect on July 17, 2024.

Please refer to the draft copy of the Zoning Commission minutes from March 25, 2024 for further details about the Commission's recommendation.

Dated this 8 day of April, 2024


Christine Zellmer Zant, Chair
Woodbury County Zoning Commission

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE WITH REVISED LANGUAGE TO MEET THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

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 – Section 5.03.1 AA

On page 59, to repeal the following language from Section 5.03.1 AA:

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

On page 59, to replace Section 5.03.1 AA with the following:

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

Amendment #2 – Section 5.03.3 B

On page 62, to repeal the following language from Section 5.03.3 B:

B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

On page 62, to replace Section 5.03.3 B with the following:

B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated 7-17-2024, which was prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

Amendment #3 – Section 5.03.10 B(4)

On page 72, to repeal the following language from Section 5.03.10 B(4):

(4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

On page 72, to replace Section 5.03.10 B(4) with the following:

(4) In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

Amendment #4 – Section 5.03.10 C(2)

On page 73, to repeal the following language from Section 5.03.10 C(2):

(2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.

On page 73, to replace Section 5.03.10 C(2) with the following:

(2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall

make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in 5.03-10 C(2)(b).

Effective Date

This Ordinance shall be in effect on July 17, 2024.

ADOPTED AND PASSED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA

Dated this ____ day of _____, 2024.

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Daniel Bittinger II, Vice-Chairman

Mark Nelson

Keith Radig

Jeremy Taylor

ATTEST:

Patrick F. Gill, Woodbury County Auditor

Adoption Timeline:

Public Hearing and 1st Reading: _____

Public Hearing and 2nd Reading: _____

Public Hearing and 3rd Reading: _____

Adopted: _____

Published: _____

Effective: _____



Daniel Priestly
Woodbury Co. Community & Economic Development
620 Douglas St. 6th Floor
Sioux City, IA 51101
dpriestley@woodburycountyiowa.gov

THIS IS NOT AN INVOICE

AFFIDAVIT OF PUBLICATION

#363135- Public Hearing - Floodplain Management

The undersigned, being first duly sworn on oath, states that Iowa Information Media Group, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Sheldon, Iowa, the publisher of newspapers of general circulation as identified below, and printed and published in the city of Merville, Woodbury, Iowa, and that a legal notice, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in the publication(s) and editions dated as follows:

363135	The Record	4/18/24	\$79.61
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A handwritten signature in black ink, appearing to read 'Myrna Wagner', written in a cursive style.

Myrna Wagner
Management, The Record

Subscribed and sworn to before me by said
Myrna Wagner this 18th day of April, 2024

A handwritten signature in black ink, appearing to read 'Lori Wiersma', written in a cursive style.

Lori Wiersma
Notary Public in and for State of Iowa



Notice Regarding Public Hearings

NOTICE REGARDING PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY BOARD OF SUPERVISORS FOR THE CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS TO "SECTION 5.03 FLOODPLAIN MANAGEMENT ORDINANCE" IN THE WOODBURY COUNTY ZONING ORDINANCE

The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, April 23, 2024 at 4:40 PM, Tuesday, April 30, 2024 at 4:40 PM and Tuesday, May 7, 2024 at 4:40 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors.

Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment.

Copies of said item may now be examined in the Woodbury County Auditor's office in said Courthouse by any interested persons. 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@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Tue., Apr. 23, 2024.

All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearing.

Item One (1)

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5.03: FLOODPLAIN MANAGEMENT ORDINANCE IN THE WOODBURY COUNTY ZONING ORDINANCE. SUMMARY: A proposal to amend the text of the Woodbury County Zoning Ordinance to repeal and replace portions of Section 5.03: Floodplain Management Ordinance. The proposal is to repeal and replace the following sections with updated content. Amendment #1 - On page 59, to repeal and replace the text in Section 5.03.1 AA with the following: AA. New Factory-Built Home Park Or Subdivision - A

factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.; Amendment #2 - On page 62, to repeal and replace the text in Section 5.03.3 B with the following: B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated 7-17-2024, which was prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.; Amendment #3 - On page 72, to repeal and replace the text in Section 5.03.10 B(4) with the following: (4) In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature

of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.; Amendment #4 - On page 73, to repeal and replace the text in Section 5.03.10 C(2) with the following: (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in 5.03-10 C(2)(b).

EFFECTIVE DATE: This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Published in The Record
Thursday, April 18, 2024
(#363135)