

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

Date: 10/9/25

Weekly Agenda Date: 10/14/25 4:42

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel J. Priestley

WORDING FOR AGENDA ITEM:

a. Conduct the Second Public Hearing on proposed Zoning Ordinance Text Amendments aimed to establish maximum dimensions for Accessory Dwelling Units (ADUs) and allow them to align with primary dwellings without adhering to Iowa Code 331.301(27)(a)(1) in counties lacking building codes. Additionally, the amendments will include utility-scale solar energy systems in the public notification subsection, correct references for telecommunication towers, and remove colocation requirements to align with state regulations. The road use and repair agreement reference in the solar energy section will also be updated. Other necessary changes will include reclassifying page numbers, sections, and content locations within the zoning ordinance.
b. Approve the Second Reading of the said Zoning Ordinance Text Amendments as the Final Reading.
c. Waive the Third Reading and Third Public Hearing of the said Zoning Ordinance Text Amendments.
d. Adopt the said Zoning Ordinance Text Amendments.

ACTION REQUIRED:

Approve Ordinance ☒

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☒

Other: Informational ☐

Attachments ☒

EXECUTIVE SUMMARY:

The proposed zoning ordinance amendments aim to establish maximum dimensions for Accessory Dwelling Units (ADUs) and allow them to align with primary dwellings without adhering to Iowa Code 331.301(27)(a)(1) in counties lacking building codes. Additionally, the amendments will include utility-scale solar energy systems in the public notification subsection, correct references for telecommunication towers, and remove colocation requirements to align with state regulations. The road use and repair agreement reference in the solar energy section will also be updated. Other necessary changes will include reclassifying page numbers, sections, and content locations within the zoning ordinance.

The proposed amendments are housekeeping efforts to refine the zoning ordinance for better clarity and administrative efficiency. They do not alter the core purposes outlined in the ordinance but ensure the document remains a practical tool for zoning enforcement in Woodbury County's unincorporated areas. Adoption would enhance compliance without imposing new burdens on residents or developers.

Following the public hearing, the Board of Supervisors may:

- (1) Defer consideration of the matter for further study; or
- (2) Reject the proposed amendment; or
- (3) Adopt the ordinance amending the text of this title.

BACKGROUND:

On September 22, 2025, the Woodbury County Zoning Commission held a public hearing to consider a series of text amendments to the County Zoning Ordinance. These amendments were presented by staff as "housekeeping" measures intended to correct inconsistencies, align the ordinance with state law, enhance clarity, and ensure fair and efficient administration. After review and discussion, the Zoning Commission voted unanimously to recommend approval of all proposed amendments to the Board of Supervisors.

The following is a background explanation of each amendment and the action taken by the Commission.

1. Accessory Dwelling Units (ADUs). Background: The previous ordinance language for Accessory Dwelling Units (ADUs) referenced Iowa Code in a way that created an unintended consequence: it subjected ADUs to state building code requirements, while primary residences in the county are not, as Woodbury County has not adopted county-wide building codes. This created an enforcement disparity. The ordinance also lacked specific maximum dimensions for ADUs, creating ambiguity. Proposed Amendment: The amendment repeals and replaces the existing text to: Establish a maximum size for an ADU at 1,000 square feet or 50% of the size of the primary residence, whichever is larger. Clarify that for zoning purposes, ADUs are not required to comply with state building codes (Iowa Code Chapter 103A), aligning their requirements with those of principal dwellings in the county. Zoning Commission Action: The Commission recommended approval, recognizing the amendment as a necessary correction to ensure ADUs and primary homes are treated consistently and to provide clear, enforceable size limits.
2. Public Notification for Utility-Scale Solar and Telecommunication Towers. Background: The ordinance required an extended public notification radius of one mile for certain large-scale conditional uses, such as airports and telecommunication towers. However, it did not include Utility-Scale Solar Energy Systems (US-SES) in this category. Additionally, the text contained a typographical error, referencing a non-existent subsection for telecommunication towers. Proposed Amendment: The amendment updates the public notification section to: Add Utility-Scale Solar Energy Systems (US-SES) to the list of uses requiring a one-mile notification radius, treating it similarly to other large infrastructure projects. Correct the subsection reference for telecommunication towers from the incorrect "5.06-3" to the correct "5.05". Zoning Commission Action: The Commission recommended approval, viewing the change as a way to increase public transparency for solar projects and to correct a clerical error in the ordinance.
3. Telecommunication Tower Colocation Requirements. Background: The ordinance required applicants for new telecommunication towers to submit an affidavit proving they had made unsuccessful efforts to co-locate their equipment on an existing structure. This requirement is preempted by Iowa Code Chapter 8C, which limits a local government's ability to regulate the placement of such towers. Proposed Amendment: The amendment removes the colocation affidavit requirement from the application process to align the county ordinance with state law. Zoning Commission Action: The Commission recommended approval to ensure the ordinance complies with state regulations and removes an outdated, legally unenforceable requirement for applicants.
4. Road Use and Repair Agreement for Utility-Scale Solar. Background: The section of the ordinance detailing requirements for Utility-Scale Solar Energy Systems contained an incorrect cross-reference. In the subsection regarding pre-construction road surveys, it referred to "Section 6.1" instead of the correct subsection, "Section 5.08.9 A," which pertains to road use agreements. Proposed Amendment: The amendment corrects the incorrect cross-reference, changing "Section 6.1" to "Section 5.08.9 A." Zoning Commission Action: The Commission recommended approval of this change as a straightforward housekeeping measure to ensure the ordinance's internal consistency and accuracy.

Summary of Action. The Zoning Commission found that the four proposed text amendments were non-controversial and necessary for the proper administration of the Zoning Ordinance. During the public hearing, no comments were received from the public. The Commission, therefore, passed a motion (4-0) to recommend that the Board of Supervisors approve the draft amendments as presented.

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: 4:42 PM)

Approve the Second Reading of the said Zoning Ordinance Text Amendments as the Final Reading.

Waive the Third Reading and Third Public Hearing of the said Zoning Ordinance Text Amendments.

Adopt the said Zoning Ordinance Text Amendments.

If the Board decides not to waive the public hearing and reading, the Third Public Hearing and Third Reading is scheduled for October 21 at 4:42 PM.

ACTION REQUIRED / PROPOSED MOTION:

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