

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

Date: _____ Weekly Agenda Date: _____

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: _____

WORDING FOR AGENDA ITEM:

ACTION REQUIRED:

Approve Ordinance	Approve Resolution	Approve Motion
Public Hearing	Other: Informational	Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

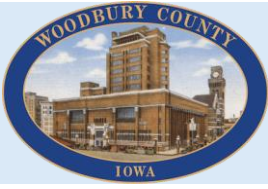
FINANCIAL IMPACT:

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:

ACTION REQUIRED / PROPOSED MOTION:



WOODBURY COUNTY PLANNING & ZONING

620 Douglas Street, Sixth Floor, Sioux City, Iowa 51101

712.279.6609 – 712.279.6530 (Fax)

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

Dawn Norton – Senior Clerk
dnorton@woodburycountyiowa.gov

REPORT – REVISED 6-25-25

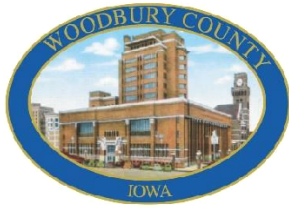
Consideration of Nuclear Energy Facilities and Nuclear Waste Storage

EXECUTIVE SUMMARY:

On June 23, 2025, the Zoning Commission unanimously recommended amending the Woodbury County Zoning Ordinance to explicitly include nuclear energy facilities and nuclear waste storage as conditional uses in the General Industrial (GI) Zoning District. The proposed amendment defines these terms, adds them to the Land Use Summary Table, and establishes a 10-mile notification radius for conditional use permits, enhancing public engagement and safety considerations.

Zoning Ordinance Text Amendment Summary:

- For nuclear energy facilities and nuclear waste storage facilities, notice must be mailed to all owners of real property within 10 miles of the subject property.
- Adding "nuclear energy facilities" and "nuclear waste storage" as conditional uses in the General Industrial (GI) zoning district, and prohibiting them in all other zoning districts.
- Defining "nuclear energy facility" and "nuclear waste storage" in the ordinance, with the definitions including compliance with federal and state regulatory requirements.
- The proposal also makes some technical changes, such as renumbering and reorganizing definitions, and adding a new page to the ordinance.



**WOODBURY COUNTY
ZONING COMMISSION**

WOODBURY COUNTY COURTHOUSE
620 DOUGLAS STREET
SIOUX CITY, IA 51101

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

From: Christine Zellmer Zant, Chair
Woodbury County Zoning Commission

Date: June 24, 2025

Subject: Zoning Commission Recommendation Nuclear Energy Facilities and Nuclear Waste Storage

Dear Members of the Board of Supervisors,

The Woodbury County Zoning Commission held a public hearing on June 23, 2025, to review and recommend amendments to the Woodbury County Zoning Ordinance regarding nuclear energy facilities and nuclear waste storage. This recommendation is the result of comprehensive deliberation and public input collected during six public hearings and two informational meetings held on August 26, 2024; September 23, 2024; November 25, 2024; January 27, 2025; February 24, 2025; March 24, 2025; May 28, 2025; and June 23, 2025. We respectfully submit the attached draft amendments for your consideration.

It is imperative to assert that these recommended amendments must not be construed as an endorsement of nuclear energy-related uses by the Zoning Commission. This recommendation is only intended to enhance regulatory clarity and public engagement. Key changes include explicitly defining "nuclear energy facilities" and "nuclear waste storage" as conditional uses in the General Industrial (GI) Zoning District and expanding the public notification radius from 500 feet to 10 miles to ensure robust community involvement.

The Commission identified that existing ordinance terms, such as "electrical energy generation, not including wind" and "chemical and gas bulk storage," could be interpreted to conditionally allow nuclear-related uses in the GI Zoning District. The proposed amendments address this ambiguity by providing precise definitions and expanding notification requirements.

Public input reflected diverse perspectives. Supporters, including Mayor Bob Scott, Kyle Gates, Mayor Ken Bauer, and representatives from the Northwest Iowa Building and Construction Trade Council, emphasized potential benefits. Opponents, including Jerry Holder, Janet Kruger, and Alan Fagan, expressed concerns about nuclear waste risks and the need for public approval mechanisms. Additional feedback from Wendy Hess and Mark Nahra highlighted infrastructure, emergency preparedness, and compliance with Nuclear Regulatory Commission standards.

Although no comments were received at the June 23 hearing, all prior input informed the Commission's deliberations.

The proposed amendments strengthen the current conditional use permit process by ensuring evaluation and enhanced public notification. We believe these changes provide a clear framework for considering nuclear-related applications while prioritizing community engagement.

We respectfully submit this recommendation for your consideration and look forward to further discussion at your upcoming hearings. For additional details about the Commission's recommendation, please refer to the attached draft copy of the Zoning Commission minutes.

Respectfully submitted,


Christine Zellmer Zant, Chair
Woodbury County Zoning Commission

Dated this 24 day of June, 2025

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO INCLUDE THE USES OF NUCLEAR ENERGY FACILITIES AND NUCLEAR WASTE STORAGE AS ENERGY AND NUCLEAR WASTE STORAGE OPTIONS IN UNINCORPORATED WOODBURY COUNTY AND TO ALLOW FOR THE CONSIDERATION OF SUCH FACILITIES IN GENERAL INDUSTRIAL ZONING AREAS AS CONDITIONAL USES.

WHEREAS, the Woodbury County Comprehensive Plan 2040, adopted on May 7, 2024, in Chapter 4 (Public Infrastructure and Utilities), encourages “supporting the development of diverse energy sources and planning ahead for regulations around these facilities will put the county in a position to embrace those that are appealing to residents and beneficial to the economy” on pages 71-72; and

WHEREAS, the Woodbury County Zoning Ordinance, in Section 3.03.4 (Land Use Summary Table of Allowed Uses), currently classifies “Electrical Energy Generation (not including wind)” as a conditional use within the General Industrial (GI) Zoning District, demonstrating an existing framework for accommodating advanced energy production facilities in areas designated for industrial activity; and

WHEREAS, the Zoning Ordinance also classifies “Chemical and gas bulk storage” as a conditional use in the GI Zoning District under Section 3.03.4, providing a precedent for the safe management and storage of potentially hazardous materials, which supports the inclusion of nuclear waste storage as a compatible conditional use within the same zoning classification; and

WHEREAS, the General Industrial (GI) Zoning District, as described in Section 3.01 of the Zoning Ordinance, is intended to provide for the orderly development of heavy commercial, warehousing, and limited industrial uses, with appropriate sites featuring excellent infrastructure and transportation access, making it a suitable location for the establishment of nuclear energy facilities and nuclear waste storage; and

WHEREAS, the addition of definitions for “Nuclear energy facilities” and “Nuclear waste storage” in Article 6, Section 6.02 of the Zoning Ordinance, ensures clarity and consistency in the application of the ordinance, specifying that such facilities must comply with federal and state regulations, including those of the Nuclear Regulatory Commission (NRC), thereby reinforcing the County’s commitment to safety and regulatory oversight; and

WHEREAS, the Comprehensive Plan 2040, in Chapter 6 (Land Use and Natural Resources), emphasizes the importance of balancing economic development with environmental stewardship, and the inclusion of nuclear energy facilities and nuclear waste storage as conditional uses in the GI Zoning District supports this balance by leveraging existing industrial zones to minimize impacts on agricultural and residential areas; and

WHEREAS, the conditional use process outlined in Section 2.02.9 of the Zoning Ordinance provides a mechanism for the Woodbury County Zoning Commission to recommend and for the Woodbury County Board of Adjustment to evaluate and impose specific conditions on nuclear energy facilities and nuclear waste storage, ensuring compatibility with surrounding land uses and adherence to the Comprehensive Plan's vision for sustainable growth; and

WHEREAS, the exploration of nuclear energy as an alternative energy source responds to the County's proactive approach to energy planning, as evidenced by the Board of Supervisors' approval on July 2, 2024, to investigate zoning for nuclear power; and

WHEREAS, the proposed ordinance amendment enhances Woodbury County's ability to attract economic development opportunities in the energy sector, potentially replacing or supplementing existing energy infrastructure while maintaining the County's rural character and agricultural focus as prioritized in the Comprehensive Plan 2040;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby supports the passage of this Zoning Ordinance Text Amendment to include nuclear energy facilities and nuclear waste storage as conditional uses in the General Industrial Zoning District, consistent with the goals and policies of the Woodbury County Comprehensive Plan 2040 and the regulatory framework of the Woodbury County Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendments:

On page 8: To repeal Section 2.02.1 B(1)(e) as follows:

For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport or a sanitary landfill, or construction of a telecommunication tower as provided in subsection 5.06-3, notices shall be mailed to all owners of real property located within one mile of the subject property.

On page 8: To replace Section 2.02.1 B(1)(e) with the following:

For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport, a sanitary landfill, a

nuclear energy facility, a nuclear waste storage facility, construction of a telecommunication tower as provided in subsection 5.05, or a Utility-Scale Solar Energy System (US-SES) as provided in subsection 5.08, notices shall be mailed to all owners of real property located within one mile of the subject property for an airport, sanitary landfill, telecommunication tower, or Utility-Scale Solar Energy System (US-SES), and within ten miles of the subject property for a nuclear energy facility or nuclear waste storage facility.

On page 39: 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* under the “Utilities” category:

“Nuclear energy facilities”. With placement of the letter “C” within the GI (General Industrial) Zoning Districts column on the table related to this line-item use.

“Nuclear waste storage”. With placement of the letter “C” within the GI (General Industrial) Zoning Districts Columns on the table related to this line-item use.

On page 104: To add the following definition. “Nuclear energy facility” as definition 112 to Article 6. Definitions. Section 6.02: Definitions as “112. Nuclear energy facility” means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives.

On page 105: To add the following definition. “Nuclear waste storage” as definition 113 to Article 6. Definitions. Section 6.02: Definitions as “113. Nuclear waste storage” means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security.

Following the addition of the new definitions as described above: to renumber each of the subsequent definitions beginning with 114 through 193 and to note the shift of the subsequent definitions to new page locations between pages 104 to 110 and to add page 110.

Dated this ____ day of _____, 2025.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Daniel Bittinger II, Chairman

Mark Nelson, Vice-Chairman

Kent Carper

Attest:

David Dietrich

Michelle K. Skaff, Woodbury County Auditor

Matthew Ung

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 –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**



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

STAFF COMMENT ON PROPOSED NUCLEAR RELATED ZONING ORDINANCE TEXT AMENDMENTS

- **Staff recommends removal of the reference in the draft language to the Utility-Scale Solar Energy System (US-SES) notification distance. This is a current/existing regulation in Section 5.08. This was originally intended to be a housekeeping measure but should be addressed at a future time as the scope of the debate does not fit within the parameters of the nuclear related discussion.**

On page 8: To replace Section 2.02.1 B(1)(e) with the following:

For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport, a sanitary landfill, a nuclear energy facility, a nuclear waste storage facility, construction of a telecommunication tower as provided in subsection 5.05, or a Utility-Scale Solar Energy System (US-SES) as provided in subsection 5.08, notices shall be mailed to all owners of real property located within one mile of the subject property for an airport, sanitary landfill, telecommunication tower, or Utility-Scale Solar Energy System (US-SES), and within ten miles of the subject property for a nuclear energy facility or nuclear waste storage facility.

Replace with:

On page 8: To replace Section 2.02.1 B(1)(e) with the following:

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- **Staff recommends adding the following revised language that makes it clear that the conditional use permit is only allowed for consideration within the GI – General Industrial Zoning District.**

On page 39: 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* under the “Utilities” category:

“Nuclear energy facilities”. With placement of the letter “C” (Conditional use) within the GI (General Industrial) Zoning District column and with the placement of “--” (Prohibited use) within the AP (Agricultural Preservation) Zoning District, AE (Agricultural Estates) Zoning District, NR (Non-Agricultural Residential) Zoning District, SR (Suburban Residential) Zoning District, GC (General Commercial) Zoning District, HC (Highway Commercial) Zoning District, and LI (Limited Industrial) Zoning District columns on the table related to this line-item use.

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THE SUBSEQUENT PAGES INCLUDE A REVISED DRAFT FOR CONSIDERATION TO ADDRESS THESE POINTS.

**DRAFT –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**

ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

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WHEREAS, the exploration of nuclear energy as an alternative energy source responds to the County's proactive approach to energy planning, as evidenced by the Board of Supervisors' approval on July 2, 2024, to investigate zoning for nuclear power; and

WHEREAS, the proposed ordinance amendment enhances Woodbury County's ability to attract economic development opportunities in the energy sector, potentially replacing or supplementing existing energy infrastructure while maintaining the County's rural character and agricultural focus as prioritized in the Comprehensive Plan 2040;

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Dated this ____ day of _____, 2025.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Daniel Bittinger II, Chairman

Mark Nelson, Vice-Chairman

Kent Carper

Attest:

David Dietrich

Michelle K. Skaff, Woodbury County Auditor

Matthew Ung

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 –
SUBJECT TO CHANGES THROUGHOUT THE REVIEW
PROCESS**

ZONING COMMISSION AUDIO AND MINUTES

August 26, 2024

- **Audio:** <https://www.youtube.com/watch?v=ggkPBerPnWE>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2024-08-26_minutes_zoning_commission_5289.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2024-08-26_packet_zoning_commission_11760.pdf

September 23, 2024

- **Audio:** <https://www.youtube.com/watch?v=DXqp6jPtBtI>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2024-09-23_minutes_zoning_commission_3148.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2024-09-23_packet_zoning_commission_6641.pdf

November 25, 2024

- **Audio:** <https://www.youtube.com/watch?v=PRQLWaCt2P0>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-01-27_minutes_zoning_commission_1508.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2024-11-25_packet_zoning_commission_89348.pdf

January 27, 2025

- **Audio:** <https://www.youtube.com/watch?v=PRQLWaCt2P0>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-01-27_minutes_zoning_commission_1508.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-01-27_packet_zoning_commission_46647.pdf

February 24, 2025

- **Audio:** <https://www.youtube.com/watch?v=RkHFoYupSFY>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-02-24_minutes_zoning_commission_4958.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-02-24_packet_zoning_commission_4361.pdf

March 24, 2025

- **Audio:** https://www.youtube.com/watch?v=nEaUL_YC-xo
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-03-24_minutes_zoning_commission_3044.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-03-24_packet_zoning_commission_5490.pdf

May 28, 2025

- **Audio:** <https://www.youtube.com/watch?v=HoUh4IVeBoI>
- **Minutes:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-05-28_minutes_zoning_commission_2619.pdf
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-05-28_packet_zoning_commission_6529.pdf

June 23, 2025

- **Audio:** <https://www.youtube.com/watch?v=a5z4GlaHc2o>
- **Draft minutes provided below.**
- **Backup Materials:** https://www.woodburycountyiowa.gov/files/committees/meetings/2025-06-23_packet_zoning_commission_3630.pdf

Woodbury County Zoning Commission Meeting Minutes

Date: June 23, 2025

Time: 5:00 PM

Location: Board of Supervisors' Meeting Room, Basement, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA

MEETING AUDIO:

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

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/zoning_commission/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=a5z4GlaHc2o>

Attendees

- **Commissioners Present:** Chris Zellmer Zant – Chair, Tom Bride – Vice Chair, Steve Corey, Jeff Hanson, Corey Meister
- **Staff Present:** Dan Priestley – Zoning Coordinator, Dawn Norton – Senior Clerk
- **Supervisor(s) Present:** Kent Carper
- **Public Attendees:** Kevin Heiss, Slater Ohm, Dana Neal (via phone), Lynn Drees (via phone)

Call to Order

Chair Chris Zellmer Zant called the meeting to order at 5:00 p.m. The Chair reviewed the meeting procedures, including the audiotaping of the meeting, the preparation of minutes, the request for cell phones to be turned off or set to vibrate, and the requirement for attendees to complete the attendance sheet. The Chair also outlined the public hearing procedures, including staff reports, applicant presentations, public comments (limited to three minutes per speaker), and the closure of hearings by motion and vote.

Roll Call

All the commissioners were present.

Public Comment on Matters Not on the Agenda (Information Item)

The Chair inquired if there were any public comments on matters not on the agenda. Seeing and hearing none, the meeting proceeded.

Approval of Minutes from Previous Meeting: May 28, 2025 (Special Meeting) (Action Item)

The Chair asked for any corrections or comments regarding the minutes from the previous meeting on May 28, 2025. Hearing none, a motion was entertained.

- **Motion:** To approve the minutes from the last meeting of May 28, 2025.
- **Moved by:** Tom Bride
- **Seconded by:** Corey Meister
- **Vote:** All in favor said "Aye." One commissioner (Jeff Hanson) abstained due to absence from the previous meeting.
- **Action:** The minutes of the previous meeting were approved.

5. Items of Business

a. Public Hearing and Action Item: Consideration of Nuclear Energy Facilities and Nuclear Waste Storage in the Woodbury County Zoning Ordinance (Action Item)

The public hearing was opened with Dan Priestley explaining that this discussion was a continuation from previous months (dating back to August/September 2024) regarding the inclusion of nuclear energy facilities, nuclear waste storage, and related uses in the Woodbury County Zoning Ordinance. He highlighted the complexity of the issue, noting the heavy involvement of federal (Nuclear Regulatory Commission - NRC) and state regulations.

Priestley explained that the existing Woodbury County Zoning Ordinance's land use summary table includes "electrical energy generation, not including wind," which could be interpreted to include nuclear facilities as a conditional use. However, the standard 500-foot public notification distance for conditional use permits was deemed insufficient for nuclear facilities. The current proposal extends this notification zone to 10 miles for any conditional use permit process related to nuclear energy or waste storage. This proposal utilizes the existing zoning ordinance infrastructure, requiring review by both the Zoning Commission and the Board of Adjustment.

Priestley clarified that the Board of Supervisors initiated this process to receive a recommendation from the Zoning Commission, with the Supervisors ultimately having up to three public hearings on any final proposal. He noted that public input had been collected over several meetings, and while not as extensive as for wind or solar energy, both support and opposition comments had been received.

Priestley presented a "Nuclear Energy Public Comments 2014-2025" document, summarizing past comments, and requested it be received into the public record.

- **Motion:** To receive the "Nuclear Energy Public Comments 2014-2025" document into the public record.
- **Moved by:** Tom Bride
- **Seconded by:** Jeff Hanson
- **Vote:** All in favor said "Aye."
- **Action:** The document was received into the public record.

Priestley then summarized key public comments:

- **Support:** Mayor Bob Scott (Sioux City), Kyle Gates (Secondary Roads), Mayor Ken Bauer (Correctionville), and Craig Levine and Rick Plathe (Northwest Iowa Building and Construction Trade Council).
- **Opposition:** Jerry Holder (concerns regarding waste risk and potential malfunctions), Janet Kruger (opposing nuclear activities, urging prohibition without public approval).
- **Other Comments:** Wendy Hess (9/11 Dispatch Center readiness, staff training, emergency exercises, budget increases), Mark Nara (former County Engineer, regarding infrastructure impact and NRC alignment), Patty Riesberg (clarified NRC's regulatory role). Brian Bergeon from the NRC had also provided details on their independent regulatory and licensing process in a previous packet.

Priestley reiterated that the local conditional use permit process allows for scrutiny and engagement with other levels of government, similar to telecommunication towers. He emphasized that the proposed ordinance amendment specifically defines "nuclear energy facilities" and "nuclear waste storage" and adds them to the land use summary table **only in the general industrial zoning district**. The 10-mile notification radius is a key added feature.

The Chair then opened the floor for public comments on this item.

- **Public Comment:** No one present in the room wished to comment.
- **Public Comment (via phone):** Lynn Drees (phone) from Danbury stated, "no comment." No other callers wished to comment.

The Chair then invited comments from the commissioners.

- Dan Priestley clarified that this process is proactive, and no specific nuclear project has been proposed or approached staff/county. The purpose is to determine if it should be a permitted use in the ordinance.
- Commissioner Tom Bride reiterated that the current ordinance covers electrical energy generation, but the proposed language provides more detail as recommended by the County Attorney's office.
- Dan Priestley explained that the County Attorney felt the previous language wasn't specific enough and that clearer definitions would prevent interpretation issues if an application were submitted. He also stressed the importance of the 10-mile notification over the standard 500 feet to avoid potential problems. He noted that the costs of extensive notifications for a 10-mile radius would be passed on to the applicant, aligning with the county's zoning fee schedule to prevent massive county expenses for wider-scale conditional uses.
- Commissioner Jeff Hanson emphasized that defining nuclear energy clarifies the language and expands the notification distance, which are important considerations.
- Dan Priestley reinforced that a conditional use permit is a "maybe" permit, not a "yes," allowing full scrutiny and public engagement in the process. He noted the difficulty of discussing hypotheticals without a specific project but stressed the importance of having a clear framework in the ordinance for potential future proposals.

The Chair inquired about the next steps. Dan Priestley explained that the commission could close the public hearing and then make a recommendation to the Board of Supervisors or continue the discussion. If a recommendation is sent, the Board of Supervisors would then consider scheduling up to three public hearings, which often draw more public engagement.

- **Motion:** To close the public hearing.
- **Moved by:** Jeff Hanson
- **Seconded by:** Corey Meister
- **Vote:** All in favor said "Aye."
- **Action:** The public hearing was closed.

Commissioner Jeff Hanson commented that this was the 12th time the issue had been heard at various levels.

- **Motion:** To recommend to the Board of Supervisors to move forward with the language as presented in draft pages 11, 12, 13, and 14 of the packet, which specifically defines nuclear energy facilities and nuclear waste storage.
- **Moved by:** Jeff Hanson
- **Seconded by:** Steve Corey

Discussion on the motion:

- Supervisor Kent Carper asked if specific locations were picked out. Dan Priestley clarified that the proposed ordinance would only allow these uses in **general industrial areas**, typically south of the airport and west of Interstate 29, not in agricultural or residential zones.
- Dan Priestley added that the Board of Supervisors has the prerogative to adjust the language during their three public hearings, as the Zoning Commission's output is a recommendation.
- Commissioner Tom Bride clarified that the motion is not targeting new areas but is clarifying language, notification, and conditions for existing general industrial zones. He reiterated that the 10-mile notification is a significant improvement over 500 feet.
- Dan Priestley further clarified that both nuclear energy facilities and nuclear waste storage would be distinct, classified as conditional uses, and subject to the 10-mile notification apparatus.
- **Vote:** All in favor said "Aye." (Unanimous)
- **Action:** The commission voted unanimously to recommend to the Board of Supervisors to move forward with the proposed language for nuclear energy facilities and nuclear waste storage in the Woodbury County Zoning Ordinance.

b. Public Hearing and Action Item: Consideration of Zoning Ordinance Text Amendments for Accessory Dwelling Units to Comply with Iowa's Senate File 592 (Action Item)

The public hearing was opened with Dan Priestley stating this was a housekeeping item to bring the county ordinance into compliance with Iowa Senate File 592. This state law, signed by Governor Kim Reynolds on May 1st, mandates that counties allow at least one accessory dwelling unit (ADU) on the same lot as a single-family residence, subject to specific conditions, and prohibits certain restrictive regulations.

Priestley explained that the state standard sets a minimum threshold of 1,000 square feet or 50% of the size of the existing dwelling, whichever is greater. While the state code allows counties flexibility to permit larger ADUs, the current proposal strictly follows the state's minimums. He noted that other jurisdictions (counties and cities) would also be grappling with the implications of this new law, particularly concerning wells and septic. He mentioned that the 23-foot minimum dimension for a dwelling would still apply for building permits.

Priestley stated that the staff's recommendation is to simply react to the state standard and keep the minimums, allowing for future re-evaluation if demand necessitates larger ADUs. He stressed that the county has a duty to make its ordinance compatible with state law.

The Chair then opened the floor for public comments on this item.

- **Public Comment:** No one present in the room wished to comment.
- **Public Comment (via phone):** No one wished to comment.

The Chair then invited comments from the commissioners.

- **Motion:** To close the public hearing.
- **Moved by:** Tom Bride
- **Seconded by:** Jeff Hanson
- **Vote:** All in favor said "Aye."
- **Action:** The public hearing was closed.

Commissioner Tom Bride commented that there is no alternative but to align with state code. He agreed with Dan Priestley that there is no immediate reason to allow larger structures beyond the state's minimums (1,000 sq ft or 50% of the existing dwelling). He viewed it as a housekeeping issue, with potential future reviews if needs arise. Other commissioners agreed.

- **Motion:** To recommend to the Board of Supervisors the approval of the zoning ordinance text amendments for accessory dwelling units in compliance with Senate File 592, as outlined in the draft on pages 48 and 49 of the packet.
- **Moved by:** Tom Bride
- **Seconded by:** Corey Meister
- **Vote:** All in favor said "Aye." (Unanimous)

- **Action:** The commission voted unanimously to recommend to the Board of Supervisors the approval of the zoning ordinance text amendments for ADUs, aligning with Senate File 592.

c. Review of a Conditional Use Permit Application: Kevin Heiss (Applicant) / Rent Properties, LLC (Owner) for an Off-Premise LED Billboard (Action Item)

Dan Priestley clarified that this was a review session, not a public hearing, which would take place at the Board of Adjustment meeting on July 7th at 5:00 p.m. The Zoning Commission's duty was to review the criteria, evaluate the application, and hear from the applicant and potentially the public.

Kevin Heiss, representing Rent Properties LLC, submitted a conditional use permit application to construct and operate a 14-foot by 48-foot LED billboard for off-premise advertising. The property is located in the north two-thirds of the north half of the northwest quarter, Section 6, Floyd Township, situated along the south side of Highway 20 and east of Charles Avenue, within the General Commercial zoning district. Off-premise advertising signs are classified as a conditional use in this district.

Priestley noted that the property includes a floodplain, and the applicants are aware of the need for a floodplain development permit and building permit. He confirmed that initial data suggests the sign would not be in the floodway, which was a concern for the Iowa DNR. He reiterated that the county does not regulate content but evaluates the billboard itself, which is a two-sided, V-shaped LED billboard. The application addresses criteria such as appropriate zoning, compatibility with development plans, and potential adverse effects.

The Chair invited the applicant to speak.

- **Kevin Heiss (Applicant):** Stated the intent is for advertising, including for his own nearby businesses. They are working with SRA Group for construction and have ensured the operation will be well-maintained. He believes the location is suitable for a highly trafficked commercial area along Highway 20. Heiss confirmed they had consulted with Dan Priestley multiple times to ensure compliance with the process.

Commissioners' questions for the applicant:

- **Distance to Residents:** Kevin Heiss stated there are no residents within 1,000 feet, and nearby properties are commercial. Dan Priestley confirmed the presence of mixed districts in the area, with some residential properties further up the hill (Boatman's and Amick's on 162nd Street) that could be about 1,000 feet away. The ordinance specifically regulates distance from AE (Agricultural Estates) districts, where housing is expected, but not AP (Agricultural Preservation).
- **Lighting and Brightness:** Heiss stated it's a 21-millimeter LED product, which is extremely bright during the day to overcome the sun but dims at night like a "television night mode." He confirmed the back side of the V-shaped sign would be black and not emit light towards residential areas. He emphasized they chose Daktronics, a reputable company, to ensure proper design and operation.
- **DOT Requirements:** Heiss confirmed compliance with DOT requirements, which require 300 feet between signs, whereas Woodbury County's current ordinance requires 1,000 feet. This 1,000-foot county requirement makes placement challenging. Heiss and Priestley described a "chasing the result" scenario with DOT, where each wanted the other's approval first, but dialogue has been good.
- **Setbacks:** Heiss confirmed the sign is set back significantly from Highway 20 and Charles Avenue, likely in the middle of his field, approximately 150 feet from the Charles Avenue right-of-way line.
- **Letter of Support:** Dan Priestley presented a letter from Jerry and Vernell Steffan, neighbors at 1528 Jewel, stating they had "no issues with this request." He identified their property as directly abutting the applicant's property.
 - **Motion:** To receive the letter from Jerry and Vernell Stefan into the record.
 - **Moved by:** Tom Bride
 - **Seconded by:** Corey Meister
 - **Vote:** All in favor said "Aye."
 - **Action:** The letter was received into the record.

Public Comment (via phone): Dana Neal (162nd Street):

- Expressed concern that his home is within 1,000 feet of the proposed sign, despite measurements. His home is also 45 feet higher than the road. He worried the sign, which will be 25-30 feet off the ground, would shine directly into his windows.
- He stated he and his family built their home on their family farm for a country living experience, avoiding city nuisances like streetlights. He noted that he can see an existing billboard a mile away from his deck at night.
- He feared the double-sided 14x48 billboard would significantly impact his home's value and privacy, similar to how LED lights light up a building on a hill nearby.

- He asked if another location farther from homes could be considered.

Response to Dana Neal's comments:

- Kevin Heiss acknowledged the difficulty of finding locations due to the 1,000-foot separation requirement from other billboards, stating "we're in the middle of the rock." He emphasized the V-shape design focuses light on the road, with the back side being black to prevent light spill.
- Commissioner Corey Meister asked if the entire 67-acre parcel belonged to Heiss, which he confirmed, except for where Hobart's is located.
- Chair Chris Zellmer Zant noted a previous billboard existed near Steffan's property. Heiss confirmed it still exists and is in use, but their new sign cannot be placed there due to the 1,000-foot separation rule from other signs across the road.
- Kevin Heiss reiterated that the sign's design is specifically angled to face east and westbound traffic on Highway 20, minimizing light towards other directions. He confirmed there would be no additional security lighting.
- Dana Neal clarified his property location relative to the sign. He expressed concern about the entire "area lit up" at night. He requested to see the proposed sign in person and for the opinions of the Boatman's and Amick's (other residents on 162nd Street) to be considered.
- Kevin Heiss agreed to have a conversation with Dana Neal to explore design adjustments to help mitigate concerns. He expressed a desire to work with the community.
- Heiss explained that if a variance were granted to reduce the 1,000-foot separation from other signs, they could move the billboard closer to Highway 20. This would also benefit residents by lowering the sign and changing its angle relative to their homes.

Discussion on a potential variance:

- Commissioner Tom Bride asked if a variance could be requested to relocate the sign to a better position to minimize impact on residents.
- Dan Priestley explained that while a variance is a possibility, recent changes to Iowa Code emphasize "practical difficulty" over "economic hardship." He cautioned against speculation on the Board of Adjustment's decision and stated staff generally avoid recommending variances due to their uncertain outcome.
- Kevin Heiss stated their primary goal was approval of the current location and that they would consider a variance later if needed but wanted conceptual approval first due to cost.
- Dan Priestley clarified that the Zoning Commission makes a recommendation, and the application will proceed to the Board of Adjustment regardless. He suggested a potential contingency for approval contingent on a variance, but again, stressed caution.
- Priestley also asked if the LED signs could be timed to dim or shut off at certain hours (e.g., midnight to 5 AM) to mitigate light pollution. Heiss replied that most digital signs are on 24/7 due to advertising sales, and dimming is already built in for nighttime, but completely shutting off or further dimming would make them ineffective.
- Commissioner Bride suggested that the applicant try to address the neighbors' concerns between now and the Board of Adjustment meeting on July 7th, perhaps by showing them existing similar signs or providing a visualization of the light impact. Heiss agreed to reach out to Dana Neal and share information.
- Dan Priestley confirmed that letters were sent to properties within the 500-foot threshold (as per the certified abstract listing).
- Heiss mentioned similar V-shaped LED signs at Hamilton and Casey's, by the Arena, and on I-29 near Outback, and at Third and Wesley Parkway as examples of what the proposed sign would look like. He also confirmed height restrictions are in place (not 35 feet, more like 18 feet off the ground).

Final comments from commissioners before motion:

- Commissioner Jeff Hanson stated he had no issue with the proposed location and thought other lit billboards in the area were more impactful. He would prefer the sign to be moved further north (closer to Highway 20) to protect future commercial development potential, as its current south placement pushes potential development further into residential areas. He agreed that moving it north would benefit adjacent landowners.
- Kevin Heiss reiterated their desire to work with the community and do things "right."
- **Motion:** To make a recommendation to the Board of Adjustment to consider the conditional use permit application for an off-premise billboard (14 ft x 48 ft), partially identified on the agenda, with a recommendation for approval.
- **Moved by:** Jeff Hanson
- **Seconded by:** Corey Meister

Discussion on the motion:

- Dan Priestley clarified that the recommendation was for approval.

- Commissioner Tom Bride suggested that the letter reflecting the commission's recommendation for approval should also include a discussion point for the Board of Adjustment to consider the possibility of a variance to address neighbor concerns, and the discussion regarding the benefits of moving the sign closer to Highway 20. Dan Priestley confirmed the letter would reflect the recommendation, touch on themes/concerns, and direct the Board of Adjustment to the minutes.
- **Vote:** All in favor said "Aye." (Unanimous)
- **Action:** The commission voted unanimously to recommend approval of the conditional use permit application for the billboard to the Board of Adjustment, with concerns noted for their consideration regarding potential variances and optimal placement. This item will be continued at the Board of Adjustment meeting on July 7th at 5:00 p.m.

Public Comment on Matters Not on the Agenda

The Chair inquired if there were any public comments on matters not on the agenda. Seeing and hearing none, the meeting proceeded.

Staff Update

Dan Priestley provided the following updates:

- **Morningside University Conditional Use Permit Ballpark Proposal:** The Board of Adjustment tabled this proposal at their last meeting for further consideration on July 7th. Public comments from the Zoning Commission and three property owners were reiterated at the Board of Adjustment, focusing on traffic, sound, and lighting issues. Jason Reynoldson, representing Morningside University, met with Priestley and the County Engineer to discuss traffic flow, including potential turning lanes and infrastructure improvements if traffic increases. They are awaiting information from Laura Sievers. Morningside University is expected to return on July 7th with further clarity on addressing these concerns.
- **Board of Supervisors Updates:**
 - **Borrow Pit:** The Board of Supervisors will hold their second public hearing on the borrow pit on June 24th and the third and final one on July 1st.
 - **New Cooperative Rezone:** They will have their third and final reading on this rezone on June 24th

Commissioners' Comments or Inquiries

The Chair asked if there were any comments or inquiries from the commissioners. Hearing none, the meeting moved to adjournment.

Adjournment

- **Motion:** To adjourn the meeting.
- **Moved by:** Corey Meister
- **Seconded by:** Jeff Hanson
- **Vote:** All in favor said "Aye."
- **Action:** The meeting was adjourned at 6:44 PM.

APPENDIX – RECEIVED INTO THE RECORD

Please see the content received into the record on the subsequent pages.

NUCLEAR ENERGY PUBLIC COMMENTS 2024 to 2025

The comments on the proposed nuclear energy zoning ordinance amendments in unincorporated Woodbury County reflect a range of perspectives, concerns, and recommendations, summarized by key themes:

1. **Support for Nuclear Energy (7 comments):**
 - o Bob Scott (July 29, 2024; Dec 4, 2024; Jan 3, 2025) strongly supports a small nuclear plant, citing economic benefits, job creation, rate stability, and minimal risks compared to renewables. He also supports wind and solar but questions zoning laws for solar farms on annexed land.
 - o Kyle Gates (Jan 16, 2025) endorses nuclear energy, emphasizing safety of modern reactors, economic growth, grid resilience, and innovative uses like waste heat for industry.
 - o Ken Bauer (Feb 6, 2025) supports nuclear for its reliability and efficiency, drawing on his Port Neal experience, and criticizes wind/solar as less viable without subsidies.
 - o Craig Levine (Mar 14, 2025) and Rick Plathe (Apr 1, 2025), representing Northwest Iowa Building Trades, advocate rezoning industrial land for nuclear, highlighting job creation, low-carbon benefits, and sustainable energy.
2. **Opposition to Nuclear Energy (2 comments):**
 - o Jerry Holder (Aug 6, 2024) opposes nuclear facilities due to risks from waste and malfunctions.
 - o Janet Krueger (Mar 24, 2025) strongly opposes nuclear activities, including waste disposal, and urges zoning ordinances to prohibit them without public approval.
3. **Concerns and Considerations (5 comments):**
 - o Wendt Hess (Aug 7, 2024) raises concerns about the 911 Dispatch Center's readiness, noting needs for staff training, emergency exercises, and budget increases.
 - o Mark Nahra (July 26, 2025) suggests heavy industrial zoning for nuclear facilities, highlights infrastructure and environmental impacts (traffic, water, waste), and stresses alignment with NRC regulations.
 - o Christopher Madsen (Mar 6, 2025) notes the addition of nuclear waste storage to the proposal, requesting research on storage processes and IDNR involvement.
 - o Craig Anderson (May 2, 2025) expresses skepticism about nuclear energy, prioritizing agricultural land preservation and questioning its viability without subsidies.
 - o Casey Meinen (July 26, 2024) simply forwarded the proposal to management, offering no opinion.
4. **Regulatory and Technical Clarifications (2 comments):**
 - o Patty Riesberg (Mar 20, 2025) clarifies that the NRC regulates nuclear power and waste, with Iowa HHS coordinating on other materials; Iowa DNR has no role.

industrial use, away from residential zones, to minimize public exposure to potential risks.

- **Impact Assessment:** He notes potential impacts on infrastructure, such as increased traffic during construction and operation, which could strain county roads. Environmental impacts, including water usage and waste storage, need thorough evaluation.
 - **Regulatory Framework:** Nahra emphasizes that nuclear facilities are primarily regulated by the Nuclear Regulatory Commission (NRC), and local regulations should align with federal standards to avoid conflicts. He suggests the county focus on zoning and land use controls.
6. **December 4, 2024 – Bob Scott**
 - o **Summary:** Bob Scott reiterates his support for a small nuclear plant near the Neal power plants, citing investment benefits and long-term rate stability. He believes the risks of low-level nuclear plants are outweighed by these benefits. Additionally, he asks whether county zoning laws regarding solar farms would apply to annexed city land, indicating a broader interest in land use regulations.
 7. **January 3, 2025 – Bob Scott**
 - o **Summary:** Bob Scott again expresses support for a small nuclear plant in Woodbury County.
 8. **January 6, 2025 – Diane Swoboda Peterson**
 - o **Summary:** Diane Swoboda Peterson, Woodbury County Real Estate/Recorder Deputy, provides no comments on the nuclear energy proposal.
 9. **January 16, 2025 – Kyle Gates**
 - o **Summary:** Kyle Gates strongly supports nuclear energy in Woodbury County, stating he would feel safe with a modern reactor nearby. He suggests considerations including setbacks for security, land restoration after decommissioning, co-location with industries to utilize waste heat (e.g., fertilizer production), grid resilience through distributed power sources, and economic development potential due to lower-cost electricity.
 10. **February 6, 2025 – Ken Bauer**
 - o **Summary:** Ken Bauer, Mayor of Correctionville, supports nuclear energy, arguing it would be beneficial for the county. Drawing on his 26 years of experience at Port Neal, he considers nuclear plants second only to coal-fired plants in reliability. He criticizes wind and solar energy as less economical and reliant on tax incentives, praising nuclear for its efficiency and minimal landscape impact.
 11. **March 6, 2025 – Christopher Madsen**
 - o **Summary:** Christopher Madsen, Senior Planner for Sioux City, notes that the proposal now includes nuclear waste storage, which was not previously mentioned. He requests research on the process for establishing a storage facility

- o Bryan Bergeon (May 5, 2025) details the NRC's independent regulatory role, licensing process, and oversight of nuclear materials and waste, noting Iowa's Agreement State status.

5. **No Opinion (1 comment):**
 - o Diane Swoboda Peterson (Jan 6, 2025) provides no comments on the proposal.

Key Issues:

- **Economic and Environmental Impacts:** Supporters emphasize jobs, growth, and clean energy; opponents and skeptics highlight risks (waste, malfunctions) and farmland loss.
- **Zoning and Land Use:** Suggestions include heavy industrial zoning, setbacks, and public input for zoning changes.
- **Regulation:** NRC's primary role is emphasized, with local zoning and federal alignment recommended.
- **Infrastructure and Preparedness:** Concerns include traffic, water use, and emergency response readiness (e.g., 911 Dispatch).

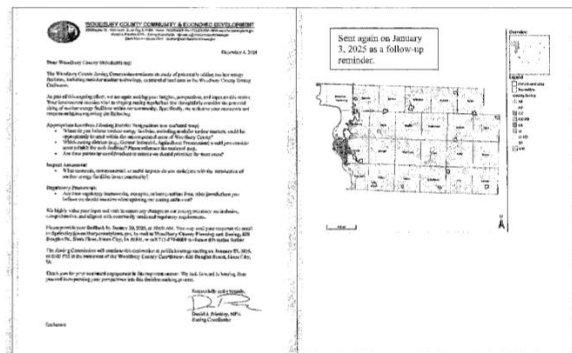
Summaries of Comments by Date and Name

1. **July 26, 2024 – Casey Meinen**
 - o **Summary:** Casey forwarded the content to management officials.
 2. **July 29, 2024 – Bob Scott**
 - o **Summary:** Bob Scott supports the construction of a nuclear plant south of town, citing its potential to boost the local economy due to construction activity. He also supports wind energy and solar farms. Scott notes that nuclear plants are highly regulated, suggesting minimal local regulatory burden.
 3. **August 6, 2024 – Jerry Holder**
 - o **Summary:** Jerry Holder opposes any nuclear facilities in Woodbury County, citing the catastrophic risks associated with nuclear waste and malfunctions.
 4. **August 7, 2024 – Wendt Hess**
 - o **Summary:** Wendt Hess, Communications Center Director, expresses concerns about the impact of a nuclear facility on the 911 Dispatch Center. She highlights the need for additional staff training and participation in emergency exercises, which would require increased budgetary allocations for overtime and training funds. She is unsure if specific certifications would be required for staff.
 5. **July 26, 2025 – Mark Nahra**
 - o **Summary:** Mark Nahra, Woodbury County Engineer, provides preliminary thoughts on nuclear energy, reserving the right to add further comments later. His responses to Daniel Priestley's July 26, 2024 email are as follows:
 - **Appropriate Locations / Zoning District Designation(s):** Nahra suggests that nuclear facilities should be located in areas zoned for heavy
- and the involvement of other entities, such as the Iowa Department of Natural Resources (IDNR), to inform further review.
12. **March 20, 2025 – Patty Riesberg**
 - o **Summary:** Patty Riesberg, Bureau Chief for the Bureau of Radiological Health with Iowa HHS, clarifies the regulatory framework for nuclear energy and waste storage. She states that the Nuclear Regulatory Commission (NRC) regulates all commercial nuclear power and spent nuclear fuel in the U.S. through licensing, inspections, and enforcement. Iowa HHS coordinates with the NRC on other radioactive materials, but the Iowa DNR has no regulatory role in nuclear power plants or waste storage. She advises close coordination with the NRC for compliance.
 13. **March 24, 2025 – Janet Krueger**
 - o **Summary:** Janet Krueger, along with Randy Krueger, strongly opposes nuclear-related activities, including waste disposal, in Woodbury County. They advocate for zoning ordinances to expressly prohibit such activities, requiring public input for any future proposals. They emphasize preventing nuclear activities unless explicitly approved through zoning changes.
 14. **March 14, 2025 (Submitted April 1, 2025) – Craig Levine**
 - o **Summary:** Craig Levine, President of Northwest Iowa Building Trades, in a letter co-signed by multiple union representatives, supports rezoning industrial land to allow nuclear energy production, including small modular reactors. He highlights nuclear energy's reliability, low-carbon benefits, and potential to drive economic growth, create jobs, and support sustainable energy. The letter emphasizes aligning with forward-thinking policies and advocates for safe, responsible integration of nuclear facilities.
 15. **April 1, 2025 – Rick Plathe**
 - o **Summary:** Rick Plathe, Business Manager of IBEW Local 231, submits a letter of support from Northwest Iowa Building Trades (authored by Craig Levine) endorsing the rezoning of industrial land for nuclear energy. He offers to address any questions or concerns, reinforcing the unions' collective support for the initiative.
 16. **May 2, 2025 – Craig Anderson**
 - o **Summary:**
 - **Appropriate Locations / Zoning District Designation(s):** Implies nuclear facilities should avoid prime farmland, prioritizing agricultural land preservation.
 - **Impact Assessment:** Expresses concern about losing prime farmland, advocating for Iowa's land use to favor agriculture.
 - **Regulatory Framework:** Should focus on agriculture. Does not address specific regulations, focusing on land use policy.

- **Additional Comments:** Skeptical of nuclear energy's desirability, suggesting public opposition and questioning its viability without tax incentives. Advocates for agricultural land use balance.

17. May 5, 2025 – Bryan Bergeon

- **Summary:** Bryan Bergeon, Acting Region III Government Liaison Officer for the NRC, provides a detailed explanation of the NRC's role as a regulator of civilian nuclear materials, emphasizing its independence and focus on public health, safety, and security. He outlines the NRC's regulatory mission covering reactors, materials, and waste, and the complex, multiyear licensing process governed by federal laws and 10 CFR regulations. Bergeon clarifies that the NRC does not advocate for nuclear energy (unlike the Department of Energy) and regulates waste storage, including low-level and high-level waste. He notes Iowa's status as an Agreement State for certain nuclear materials and advises prospective applicants to engage with the NRC's licensing process.



PUBLIC COMMENTS

From: Wendy Hess
Sent: Wednesday, August 7, 2024 9:22 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dear: In regards to the 911 Dispatch Center, having this type of facility in our response area would potentially create a need for additional training for our staff members along with participating in regular exercises and training related to potential emergencies at the facility. For us that would become a budgetary item needing to add training funds to our annual budget for overtime, etc related to the additional training activity that would be necessary. I am not sure if there are any specific certifications that would be required by our staff.

Thanks,
Wendy
Wendy Hess
Communications Center Director/Accreditation Manager
Woodbury County Communications
PO Box 447
Storm City, IA 51363
Office: 712-279-6266
whess@woodbury-county.gov

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Woodbury Co. Planning & Zoning
I Would like To Say NO
To Any Nuclear Facilities In
Woodbury County Nuclear Waste
And All Facilities Can Be Detrimental

Thank You
Dorothy Priestley
Storm City, IA 51363

From: Bob Scott
Sent: Monday, July 29, 2024 9:44 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I am all for a nuclear plant in the area south of town. I am also for wind energy and solar farms. The construction of a nuclear plant would be a boon to our local economy. Nuclear plants are so highly regulated that we should not have to do much safety.

From: Nick N. Natta, P.E.
Sent: Wednesday, August 7, 2024 11:11 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Dear,

I agree with your thoughts, but reserve the opportunity to add to these comments at a later date. See my preliminary thoughts in the.

Nick N. Natta, P.E.
Woodbury County Engineer
708 E. Prairie Road
Storm City, IA 51363
Phone: 712-875-3215 or 712-279-4444
Fax: 712-875-3335
Email: nenna@woodburycountygov.gov

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From: Daniel Priestley
Sent: Friday, July 26, 2024 10:15 AM
To: Wendy Hess
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Dear Woodbury County Stakeholders:

The Woodbury County Zoning Ordinance has been asked to explore the addition of nuclear energy including nuclear reactor technology as a potential land use in the Woodbury County Zoning Ordinance.

Currently, we are requesting your insights, perspectives, and input on this matter. Your participation will play a critical role in shaping the future of our community and ensuring the potential of nuclear energy is realized in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

Appropriate Locations / Zoning District Designations:

- Where do you believe nuclear energy facilities, including nuclear reactor technology, could be appropriately sited within the unincorporated areas of Woodbury County? I think the General Ordinance zoning areas are the best for future facilities with the exception of allowing such a facility to be located within a city's town village or professional union. Community law allowing to control their own power generation should be able to be placed into the town village or professional union boundaries to their town village or professional union. When we have the town village or professional union boundaries, we have the town village or professional union boundaries. I don't feel the town village or professional union boundaries should be able to be placed into the town village or professional union boundaries.
- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Ordinance, Agricultural Preservation, etc.)? Do you have any other zoning districts that you think would be suitable for accommodating nuclear energy facilities?
- Are there any specific considerations or criteria we should prioritize in these areas? On one hand, we should be able to have a zoning district that is suitable for accommodating nuclear energy facilities. On the other hand, we should be able to have a zoning district that is suitable for accommodating nuclear energy facilities.

Impact Assessments

- What potential impacts (economic, environmental, social) do you foresee with the construction of nuclear energy facilities in our community? I am seeing nuclear energy for county residents and our city residents. I don't see a downside to allowing nuclear energy to be located in our community. I don't see a downside to allowing nuclear energy to be located in our community.

Regulatory Frameworks

- Are there any specific regulatory frameworks or best practices that you believe should be considered when updating our zoning ordinance to include nuclear energy? Depending upon the size of the reactor and its construction costs, the county should require a third agreement to ensure construction of nuclear energy facilities is completed within the county. I don't see a downside to allowing nuclear energy to be located in our community. I don't see a downside to allowing nuclear energy to be located in our community.

From: Casey Molen
Sent: Friday, July 26, 2024 10:31 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

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I have forwarded this to company management for their input.

Have a great weekend.

Casey Molen
Lead, Electric Distribution Engineering
Casey.molen@midamerican.com
Phone: (712) 233-4831
MIDAMERICAN ENERGY SERVICES

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From: Ed Scott
Sent: Wednesday, December 4, 2024 4:04 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

I am speaking for myself but I am in favor of a small nuclear plant in the area around West power plants. I think the investment and the long term effect on rates is worth the risk for these low level type plants. And I have a question if we annex land into the city, your zoning laws regarding solar farms cannot apply to land in the city can they?

From: Bob Scott
Sent: Friday, January 5, 2025 10:47 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Not that the county will care what my opinion is but I would be supportive of a small nuclear plant.

From: Diane Swoboda Peterson
Sent: Monday, January 6, 2025 9:12 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

NO COMMENTS

Ulene Swoboda Peterson
Woodbury County Board of Supervisors/Deputy
420 Douglas Street Room 100
Sioux City, Iowa 51101
(712) 278-4833

From: Jyle Gates
Sent: Thursday, January 16, 2025 3:03 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I fully support Nuclear Energy in Woodbury County and would feel quite safe with a modern reactor next door.

Items that come to mind:

- Site selection for permanent security
- Returning land to previous state after future decommissioning
- Possible collocation with industries for use of low cost/low waste heat (fertilizer production for example)
- Grid resilience and redundancy via distributed locations near and open providing localized power
- If a lower cost power load is attainable, there is a potential for economic development

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Daniel Priestley

From: Rickberg, Patty (HHS) <patty.rickberg@hhs.gov>
Sent: Thursday, March 20, 2025 1:00 PM
To: Daniel Priestley
Subject: Re: Request of Nuclear Energy and Storage

Follow Up Flag: Follow up
Flag Status: Flagged

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Daniel,

Good afternoon. I am the Bureau Chief for the Bureau of Radiological Health with HHS. I received your inquiry below, forwarded from one of my team members, Stuart Jordan. I've included a response below to your question stated in the second paragraph. If you have any further questions, please feel free to reach out to me. Thank you.

Question: One of the questions I received from a stakeholder is how does the State of Iowa, including the Iowa DNR regulate both nuclear power plants, and the storage of nuclear waste?

All commercial nuclear power in the United States, which includes spent nuclear fuel, is regulated by the Nuclear Regulatory Commission (NRC) through a combination of regulatory requirements, licensing, inspections and enforcement activities.

Considerations for nuclear energy facilities and nuclear waste storage should involve close coordination with the NRC to ensure regulatory compliance. Iowa HHS works closely with NRC to regulate all other radioactive materials in the state of Iowa.

Iowa DNR does not play a regulatory role for nuclear power plants or the storage of waste.

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From: Ian Bauer <ibauer57@hotmail.com>
Sent: Thursday, February 6, 2025 12:41 PM
To: Daniel Priestley
Subject: Nuclear energy in Woodbury county.

Follow Up Flag: Follow up
Flag Status: Flagged

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I believe nuclear energy would be very beneficial to our county. I worked at port coal for 26 years. I believe coal fired plants are second only to nuclear plants. The wind mills and solar only makes trash that has to be taken away. The wind doesn't always blow and the sun doesn't always shine (especially at night). I believe it would be more economical than other and the landscape wouldn't be cluttered with old wind mills or solar panels. Ken Bauer, mayor of Connecticutville.

From: Christopher Madson
Sent: Thursday, March 6, 2025 3:09 PM
To: Daniel Priestley
Subject: RE: Nuclear Energy Public Hearing Notice - March 24, 2025: Nuclear Energy and Waste Storage Ordinance Amendments - Your Input Needed

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Dan,
It appears this has been updated to include nuclear waste storage which was not in the last email notice. Have you done any research on the process needed for a storage facility and other entities that would review (such as IDNR)?

If so would you send that over for us to look at?

Thank!

Chris R. Madson, AICP, CPA
Senior Planner
City of Sioux City
Phone: 712.279.5041
Email: cmadson@sioux-city.org
409 5th Street, Box 447
Sioux City IA 51102

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Daniel Priestley

From: Janet Krueger <jkrueger@icloud.com>
Sent: Monday, March 24, 2025 12:47 PM
To: Daniel Priestley
Subject: Comments for public hearing on nuclear zoning

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Re: Public hearing on zoning for nuclear-related items - comments

Mr. Priestley,

We believe ALL levels of zoning in Woodbury County should EXPRESSLY PROHIBIT any nuclear-related activities (including nuclear waste disposal). That way, if any entity wants to perform nuclear-related activities in the county, they would need to propose zoning changes that allow the public to weigh in on a particular issue. We do NOT want nuclear-related activities to "slip in" before they are expressly prohibited in our zoning ordinances.

Sincerely,

Janet Krueger

Janet Krueger

4301 Bradford Lane

Sioux City, IA 51106

Sent from my iPhone

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Daniel Priestley

From: Rick Plathe <rlathe@ibew231.com>
Sent: Tuesday, April 1, 2025 10:27 AM
To: Daniel Priestley
Subject: Support Letter Northwest Iowa Building Trades
Attachments: NWIA Building Trades Zoning Letter.docx

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Dear

Please see the attached letter of support from all Unions affiliated with Northwest Iowa Building Trades for the rezoning of industrial land in Woodbury County to add Nuclear language. Please reach out to me if you have any questions or concerns.

Thanks
Rick Plathe

Business Manager
IBEW Local 231
5001 Harbor Drive
Sioux City, Ia 51111
(712) 250-8138



Craig Levine President
712-202-3100 clevine@ibew231.com
Spencer Yockey Vice President
712-284-4385 spencer@local234.org
Jose Montes Recording Secretary
712-420-7680 jmontes@wlocat21.com

Craig Levine - President
PO Box 1051
Sioux City, IA, 51101
clevine@ibew231.com
(712) 202-3100

March 14, 2025

Dan Priestley
Zoning Coordinator
Office of Community & Economic Development
6220 Douglas St. Floor 6
Sioux City, IA 51101

Dear Sioux City Zoning Commission,

I hope this letter finds you well. I am writing to show our support for an important initiative in our community—the rezoning of industrial space to allow for nuclear energy production. As energy demands continue to rise and the need for a cleaner, more sustainable source of power becomes increasingly urgent, it is essential that we explore all viable options for securing our energy future. Nuclear energy, with its proven track record of providing reliable, low-carbon electricity, is a critical component of this transition.

Currently, many industrial areas are underutilized, and repurposing these spaces for nuclear energy production, including small modular reactors, presents an opportunity to drive economic growth, create jobs, and contribute to a greener energy portfolio in Woodbury County. By rezoning these areas, we can ensure that nuclear energy can be integrated into our community in a safe, environmentally responsible manner.

The benefits of nuclear energy extend far beyond just providing a reliable energy source. It can help us reduce our carbon footprint and mitigate the impacts of climate change, all while strengthening local economies through job creation, technological innovation, and new infrastructure development. Furthermore, by supporting this initiative, we would be aligning ourselves with forward-thinking policies that prioritize sustainable energy solutions for future generations.

We believe that our organization's influence and commitment to [community/environmental issues/sustainable growth/innovation] would be a powerful voice in advocating for this rezoning.

initiative. With your support, we can help ensure that the benefits of nuclear energy are realized while addressing our community's needs for economic development, energy security, and environmental responsibility.

I kindly ask for you to record our endorsement of this effort and would be happy to discuss the details further at your convenience. Together, we can take meaningful steps toward a cleaner, more sustainable energy future for our community.

Thank you for your time and consideration. I look forward to the possibility of working together to make this initiative a reality.

Sincerely,
Craig Levine - President, Northwest Iowa Building Trades

Rick Plathe - Business Manager, IBEW Local 231

Jose Montes - Business Representative, Iron Workers Local 21

John Hansen - Business Manager, Heat and Frost Insulators Local 39

Dean Bradburn - Organizer, Plumber and Steamfitters UA Local 33

Spencer Yockey - Business Representative, Operating Engineers Local 234

Terry Victor - Business Representative, SMART local 3

Bob Briley - Business Manager, Bricklayers Local 3

Tom Dye - Vice President, Boilermakers Local 83

Daniel Priestley

From: Craig Levine <clevine@ibew231.com>
Sent: Friday, May 2, 2025 2:14 PM
To: Daniel Priestley
Subject: Re: Comments Requested Nuclear Energy Facilities and Nuclear Waste Storage

Follow Up Flag: Follow up
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From: Daniel Priestley <dpriestl@woodburycountyia.gov>
Sent: Friday, May 2, 2025 11:45 PM
To: Daniel Priestley <dpriestl@woodburycountyia.gov>
Subject: Comments Requested Nuclear Energy Facilities and Nuclear Waste Storage

Dear Woodbury County Stakeholders,
The Woodbury County Zoning Commission is continuing its review of nuclear energy facilities and nuclear waste storage, considering the potential addition of these uses to the Woodbury County Zoning Ordinance as conditional uses, specifically in areas zoned as General Industrial (G1) (see map below). The next public hearing will be on Wednesday, May 28 at 6:00 PM in the basement of the Woodbury County Courthouse, 622 Douglas Street, Sioux City, Iowa.

We value your continued input as we evaluate nuclear energy facilities and nuclear waste storage (see draft definition below). To help us better understand your perspectives and concerns, we kindly request your feedback by responding to the following questions or on before Friday, May 23, 2025 before 10:00 AM CDT.

1. What specific concerns, if any, do you have regarding the safety of nuclear energy facilities or nuclear waste storage in the proposed areas of Woodbury County, and how do you believe these concerns could be addressed through the conditional use process? While I believe the nuclear energy and nuclear waste facilities are safe when everything goes wrong it is a very serious situation. It is very much "a matter of when" rather than "if". I am not sure that the BCL, as a board of appointed citizens, have the expertise or experience or the desire to be involved in the decisions that set safety at the safety concerns.

2. What potential impacts, positive or negative, do you foresee on surrounding agricultural, residential, or commercial areas if nuclear facilities and nuclear waste storage are permitted in the G1 Zoning District? The positive impacts are economic: it will provide clean energy and jobs. The negative: no one wants to be the neighbor. Risky issues are high on the list of negatives. Even in the G1 district, I think most of the agricultural, residential, and commercial neighbors would rather have something else. The thought of a nuclear energy mishap would have a negative effect on residential and commercial enterprises.

3. How do you view the balance between energy production and preserving Woodbury County's agricultural and environmental priorities? Are there specific upgrades you would recommend to

June 19, 2025

Jerry & Vernell Steffen
Co-Trustees of Steffen Revocable Trust
1528 Jewell Ave.
Merville, IA 51039

Daniel Priestley, MPA
Woodbury County Zoning Coordinator
620 Douglas Street #609
Sioux City, IA 51101

RE: 2025 Conditional Use Permit Request for Parcel #884606100002.
For Rent Properties, LLC, Applicant: Kevin Heiss.

Dear Mr. Priestley:

We have reviewed the Conditional Use Permit Application. Jerry & Vernell Steffen Trust has no issues with this request.

Thanks for the Notice.



JERRY E. STEFFEN, PE



BACKGROUND AND ANALYSIS (LAST UPDATED) – 3/20/25

Section 3.03.4 of the Woodbury County Zoning Ordinance contains the "**Land Use Summary Table of Allowed Uses in Each Zoning District**," which categorizes permitted land uses across zoning districts. Under the current table:

- **Utilities Category:** "Electrical energy generation (not incl. wind)" is listed as a conditional use ("C") in the General Industrial (GI) Zoning District but prohibited ("--") in all other districts.
- **Warehousing and Freight Handling Category:** "Chemical and gas bulk storage" is a conditional use ("C") in the GI Zoning District, permitted in the Limited Industrial (LI) Zoning District, and prohibited elsewhere.

Staff initially interpreted these categories under Section 3.03.4 of the Woodbury County Zoning Ordinance as encompassing "**nuclear energy facilities**" and "**nuclear waste storage**" due to operational and regulatory similarities:

1. **Nuclear Energy Facilities vs. Electrical Energy Generation:**
 - Both involve large-scale industrial processes for energy production.
 - They require significant infrastructure (e.g., reactors, turbines, transmission systems), stringent safety protocols, and compliance with environmental regulations.
 - Nuclear facilities produce electricity via controlled reactions, aligning with the broader intent of energy generation in industrial zones.
2. **Nuclear Waste Storage vs. Chemical and Gas Bulk Storage:**
 - Both manage hazardous materials requiring specialized containment and safety measures.
 - They are subject to rigorous regulatory oversight and are ideally located in industrial zones to minimize risks to residential areas.

However, this administrative interpretation lacks explicit clarity in the ordinance, prompting further review.

County Attorney's Office Review (5-21-25 – Update)

The Woodbury County Attorney's Office, via Assistant County Attorney Joshua Widman, advised against relying solely on administrative interpretation due to potential legal vulnerabilities:

- Zoning ordinances define permissible land uses. Courts may not uphold an administrator's interpretation that "electrical energy generation" includes nuclear facilities or that "chemical and gas bulk storage" covers nuclear waste if these uses are not explicitly listed. This ambiguity could lead to litigation, delaying or halting projects.
- The Land Use Summary Table is described as "comprehensive." Since nuclear uses existed when the ordinance was drafted, their absence might be interpreted as intentional exclusion rather than an oversight, weakening the case for inclusion via interpretation.
- Section 2.02.1 B(1)(e) mandates a 500-foot notification radius for conditional use permits (CUPs), with exceptions (e.g., airports, landfills) requiring 1,000 feet. Nuclear projects, given their scale and public sensitivity, may warrant a larger radius, necessitating an amendment.

Zoning Staff take-away: Amending the ordinance to explicitly list "Nuclear Energy Facilities" and "Nuclear Waste Storage" as conditional uses in the GI Zoning District provides clarity and ensures alignment with the ordinance's intent. Below are copies of comments received from Joshua Widman, Assistant County Attorney.

Daniel Priestley

From: Joshua Widman
Sent: Friday, February 28, 2025 2:24 PM
To: Daniel Priestley
Subject: RE: Nuclear Energy Policy Question

Dan,

Following up on our phone conversation. Given the nature of a nuclear project and the potential for challenge or litigation, I think the best course of action would be to amend the zoning ordinance to explicitly address the two proposed uses rather than solely relying on the zoning administrator's interpretation to make it fit within the existing framework. A court would not be bound by the zoning administrator's interpretation of the ordinance and could have a different view. Since these projects take several years to come to fruition, I think it would be prudent to change the ordinance on the front end rather than leaving open the potential for a court to invalidate a zoning action (CUP application) and potentially set a project back several years.

Of the two uses you mention under the existing framework, the argument that a nuclear project would fit under "electrical energy generation" is the stronger of the two arguments. However, the Section 3.03 references the Land Use Summary Table as two different times as being "comprehensive." So in general, if a use is not listed there, it's not a permitted use. At the same time, the ordinance acknowledges that the list can be incomplete due to "omissions" or "new uses" and that is where the role of the zoning director can potentially supplement with an interpretation. Nuclear power and nuclear waste storage were well-established uses known at that time the zoning ordinance was created and they are very intensive uses. A court would likely find it was intentional on the part of the Board to not allow for it in the table rather than and "omission" due to an oversight. Also, there may be recent changes in the technology, but it would be difficult to find that the category of nuclear power or storage is a "new use" on the whole.

The notice requirements for a CUP application are clearly set out in the ordinance (Section 2.02 (1)B(1)(e). There is not room for "interpretation" on that. The rule is 500 ft except for a couple of enumerated exceptions where the rule is 1000 ft. If a different notice radius is desired for a nuclear facility, then the ordinance should be amended to provide for that. As we discussed, there are likely very good reasons to have a greater than 500 ft formal notification requirement for a nuclear project.

In regards to a Board resolution, I do not think it would be accurate to assert that we have an established framework in place. Yes, there are arguments to be made under the existing ordinance for how to approach it, but there is gray area as well. I don't think this is a type of project where anyone would want to operate in gray area or interpretations. That wouldn't prevent the BOS, if the BOS desires, from sending a letter of support for anything that may be happening at the state level or indicating an interest in hosting such a project. I just wouldn't say that we have strong zoning framework in place at this time to deal with a project.

Joshua D. Widman
Assistant Woodbury County Attorney
3701 28th St.
Sioux City, IA 51105

Phone: 712-279-6516

Daniel Priestley

From: Joshua Widman
Sent: Wednesday, May 21, 2025 11:52 AM
To: Daniel Priestley
Subject: RE: Nuclear Energy Woodbury County Zoning

Dan,

I'm following up on our phone conversation yesterday regarding this issue. Here are the main points we discussed:

- I stand by the analysis in my 2/28/25 email. From a legal standpoint, it is preferable to have a clear legislative determination by the BOS that a use is specifically permitted as opposed to basing permit approval on interpretation, gray area, or flexibility in the current language. Put another way, without adding the two uses to the land use summary table, there is a legitimate path to challenging a potential conditional use permit in court based on the argument that the current ordinance does not allow it. On the other hand, overturning a clear legislative determination is much more difficult than arguing an improper interpretation or application of an ordinance.
- The uncertainty in our ordinance, if not addressed, would likely disadvantage Woodbury County in the site selection process for a company with a potential project as opposed to other locations with zoning regulations that specifically permit the use.
- The current notification requirements are clearly inadequate for a nuclear project. While there are some specific instances in the ordinance that require greater than the default notice, nuclear is not one of them. I think the lack of specific nuclear notification requirements in the existing ordinance is strong evidence that nuclear projects were not contemplated in the existing ordinance.
- Section 3.03 (3) of the ordinance says that the land use summary table may be updated by the Board of Supervisors to reflect legislative acceptance or rejection of the interpretations of the land use table. This is an acknowledgement of the first bullet point above. It also highlights the uncertainty of relying on interpretations of the table, namely, the BOS is free to legislatively accept or reject interpretations. If/when the Board is aware of an interpretation, my recommendation, especially for a use as intensive as nuclear, is to legislatively act to cut potential legal challenges based on arguments related to the interpretation of the ordinance. There is no reason to take a gamble on the outcome of the litigation. In addition, the potential cost of the litigation would not be responsible stewardship of taxpayer dollars when we could reasonably anticipate that the interpretation was subject challenge and knew of action steps to take to mitigate potential challenges but failed to do so.

Joshua D. Widman
Assistant Woodbury County Attorney
3701 28th St.
Sioux City, IA 51105

Phone: 712-279-6516

Compatibility with the General Industrial (GI) Zoning District

The GI Zoning District is designed for heavy industrial activities, including manufacturing, processing, and hazardous material storage. Adding nuclear-related uses as conditional uses aligns with its purpose:

- **Infrastructure Suitability:** The GI district offers large parcels, transportation access, and utility availability necessary for energy production and waste management.
- **Buffer Zones:** Its separation from residential areas mitigates risks associated with nuclear operations.
- **Regulatory Oversight:** Nuclear facilities and waste storage are governed by federal (e.g., Nuclear Regulatory Commission, 10 CFR Part 50) and state regulations

Proposed Amendments to the Zoning Ordinance

To address the identified issues, the following amendments could be considered:

1. Amend Notification Requirements (Section 2.02.1 B(1)(e), Page 8)

- **Current Text:**
"For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport or a sanitary landfill, or construction of a telecommunication tower as provided in subsection 5.06-3, notices shall be mailed to all owners of real property located within one mile of the subject property."
- **Proposed Repeal and Replacement:**
"For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport, a sanitary landfill, a nuclear energy facility, a nuclear waste storage facility, or construction of a telecommunication tower as provided in subsection 5.05, notices shall be mailed to all owners of real property located within one mile of the subject property for an airport, sanitary landfill, or telecommunication tower, and within ten miles of the subject property for a nuclear energy facility or nuclear waste storage facility."
- **Rationale:** A ten-mile notification radius for nuclear uses reflects their unique scale, potential impact, and public interest, ensuring broader stakeholder engagement and transparency beyond the standard 500 feet or the 1,000 feet used for other significant uses. Also, as a point of housekeeping, it is recommended to change the referenced section regarding telecommunication towers from 5.06-3 to 5.05 to reflect the correct reference.

2. Update the Land Use Summary Table (Section 3.03.4, Page 39)

- **Addition under "Utilities" Category:**
 - "Nuclear energy facilities" – Place a "C" in the GI Zoning District column.
 - "Nuclear waste storage" – Place a "C" in the GI Zoning District column.
- **Updated Table Snapshot:**

Utility Type	GI Status	Notes
Existing: Electrical energy generation (not incl. wind)	C	Conditional use, energy production
Existing: Solar Energy Systems, Utility Scale	C	Conditional use, renewable energy
Existing: Chemical and gas bulk storage	C	Conditional use, hazardous materials
Proposed: Nuclear Energy Facilities	C	Amendment addition, nuclear energy generation
Proposed: Nuclear Waste Storage	C	Amendment addition, nuclear waste management

- **Rationale:** Explicitly listing these uses clarifies their status as conditional in the GI district (and removing the reliance on an administrative interpretation), aligning with similar energy and hazardous material activities while subjecting them to the CUP process.

3. Add Definitions (Article 6, Section 6.02, Pages 104-105)

- **New Definition 112 (Page 104):**
"Nuclear energy facility means any facility designed or used for the generation of electricity or power through nuclear fission

or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives."

- **New Definition 113 (Page 105):**

"Nuclear waste storage means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security."

- **Subsequent Adjustments:** Renumber existing definitions 112–193 as 114–195 and adjust page locations (pages 104–110, adding page 110 as needed).
- **Rationale:** Precise definitions ensure legal and operational clarity, tying these uses to federal oversight and distinguishing them from other energy or storage activities.

Alignment with Comprehensive Plan

The amendments comport with the Woodbury County Comprehensive Plan (Chapter 4, Page 81):

- **Goal IU3:** "Support technological advances."
- **Objective:** "Work with energy providers to diversify sources."
- **Timeframe:** 0-5, 5-10, 10-20 years. (Page 155-156)
- **Lead Partners:** Board of Supervisors, utility companies. (Page 155-156)
- **Cost:** Moderate (\$\$).(Page 155-156)
Nuclear energy represents a technological advancement in energy diversification, and the GI district's industrial designation aligns with the plan's intent to separate heavy industrial uses from residential and agricultural areas.
- **Source:**
https://www.woodburycountyiowa.gov/files/community_economic_development/woodbury_county_comprehensive_plan_2040_89417.pdf

Moving Forward: Public and Regulatory Considerations

As nuclear technology evolves (e.g., modular reactors, nuclear waste storage, etc.), Woodbury County has an opportunity to clarify its zoning policy toward "electrical energy generation" and "chemical and gas bulk storage." Key questions for stakeholders include:

1. Do citizens view nuclear energy including its waste storage as a viable future option?
2. Are specific areas within the GI district suitable for nuclear facilities?

Public input, alongside industry feedback, would guide any future conditional use permit projects. Any nuclear project would require:

- **County Process:** A conditional use permit reviewed by the Zoning Commission and Board of Adjustment.
- **External Oversight:** Compliance with Nuclear Regulatory Commission (NRC) and state regulations, ensuring safety and environmental standards are met.

By amending the ordinance, the county could reduce legal uncertainty by removing the interpretation and align with its industrial zoning framework.

Conclusion

Amending the Woodbury County Zoning Ordinance to explicitly include "Nuclear Energy Facilities" and "Nuclear Waste Storage" as conditional uses in the GI Zoning District, with updated definitions and a ten-mile notification radius, provides clarity, reduces legal concerns, and supports long-term planning. This step would remove the administrative interpretation and bring the unique case before the Zoning Commission and Board of Adjustment under a defined framework to evaluate the criteria of a conditional use permit application for a nuclear energy facility and/or a nuclear waste storage site.

NUCLEAR REGULATORY COMMISSION COMMENTS:

Daniel Priestley

From: Bryan Bergeon <Bryan.Bergeon@nrc.gov>
Sent: Monday, May 5, 2025 10:39 AM
To: Daniel Priestley
Subject: RE: Nuclear Energy Woodbury County Zoning

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Hi Daniel,

The **NRC is a Regulator** of civilian use of nuclear materials and does not advocate for the use thereof. There is a definitive line between what the NRC does and what other agencies do, like Department of Energy. The NRC's [Principals of Good Regulation](#) starts with independence. This means the NRC is not a consulting organization - individual applicants must offer proposed design-specific methods or design changes to meet the NRC's regulations. The NRC-approved methods by which an applicant can meet the regulations are published in [regulatory guides](#), [interim staff guidance](#), and (in limited cases) [NUREGs](#). Applicants may ask whether a design component or design-specific method meets the regulations in various ways, such as utilizing public meetings and submitting white papers for review. The NRC's response will be publicly available unless the underlying information is protected due to proprietary or other sensitive aspects governed by the regulations in 10 CFR 2.390. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/independent-regulator.html>)

The NRC's **Mission** is to protect public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment. The **NRC's regulatory mission covers three main areas:**

Reactors – Commercial reactors for generating electric power and research and test reactors used for research, testing, and training

Materials – Uses of nuclear materials in medical, industrial, and academic settings and facilities that produce nuclear fuel

Waste – Transportation, storage, and disposal of nuclear materials and waste, and decommissioning of nuclear facilities from service

The NRC accomplishes the mission through **Laws and Regulation**. New nuclear reactor licensing is a complex, multi-year process governed by both federal laws passed by the U.S. Congress and regulations developed by the NRC. The [Federal laws governing the NRC](#) generally have high-level directives for the civilian use of nuclear materials. The finer details of reactor licensing and other civilian uses are found in [Title 10 of the Code of Federal Regulations](#) (10 CFR). The NRC develops and issues these regulations for all areas under its jurisdiction. All U.S. civilian uses of materials must comply with federal laws and the regulations in 10 CFR. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/law-reg.html>)

The Nuclear Regulatory Commission (NRC) "New Applicant" web page: (<https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info.html>) is the starting point for prospective applicants. Prospective applicants should come to the NRC with a specific reactor technology, license class, regulatory approach, business model (to help correctly guide the licensing process), and a project timeline. With this information, the prospective applicant should file a letter of intent (i.e. a design). <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-guidance/pre-app-process.html>. From there, the NRC assigns a lead project manager after a potential applicant begins engaging with the agency; this person will be the main point of contact between the NRC and applicant. The project manager will guide the applicant through the regulatory process and will be there to answer questions, organize meetings, and facilitate all communications with other NRC staff. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/comms.html>)

The **Department of Energy's Office of Nuclear Energy** mission is to promote the domestic use of nuclear energy and supports advanced reactor developers. The DOE has a **Gateway for Accelerated Innovation in Nuclear (GAIN)**. <https://gain.inl.gov/industry-support/regulatory-support/regulatory-route-to-deployment/> This helps applicants understand the current U.S. regulatory framework for commercial reactors. The series also facilitates nuclear industry efforts to identify and address regulatory uncertainties and associated deployment risks (technical, financial, schedule). *Essentially, the DOE is who will advocate for and help potential licensees pursue projects, including even potential funding thereof.*

The **NRC also regulates waste storage**. **Low-Level waste** includes items that have become contaminated with radioactive material or have become radioactive through exposure to neutron radiation and is typically stored on-site until it can be disposed of or until amounts are large enough to ship to low-level waste processing centers. **High-level wastes** are highly radioactive materials produced as a byproduct of the reactions that occur inside nuclear reactors; spent reactor fuel and waste materials remaining after spent fuel is processed. **Commercial reprocessing** is currently not practiced in the United States, although it has been allowed in the past. The NRC regulates high level wastes in spent fuel pools and dry cask storage, at independent spent fuel storage installations (ISFSI) and consolidated interim storage facilities (CISF). Note, these CISF's are different than permanent storage facilities such as Yucca Mountain, which is under DOE jurisdiction. The **DOE, Office of Spent Fuel and High-Level Waste Disposition** and its three sub-program offices: the Office of Disposal R&D, the Office of Storage & Transportation, and the Office of Consent-Based Siting, are developing an Integrated Waste Management system for storage, transportation, and disposal of spent nuclear fuel and high-level radioactive waste. [Learn more](#). The **DOE Waste Isolation Pilot Plant (WIPP)** is the nation's only deep geologic long-lived radioactive waste repository. Located 26 miles southeast of Carlsbad, New Mexico, WIPP permanently isolates defense-generated transuranic (TRU) waste 2,150 feet underground in an ancient salt formation. (See more on this: <https://wipp.energy.gov/wipp-site.asp> and <https://www.energy.gov/ne/office-spent-fuel-and-high-level-waste-disposition>).

With regards to nuclear materials (not including nuclear waste, as discussed above), the NRC essentially turns its jurisdiction over to the states, via a program called the **Agreement State Program** <https://www.nrc.gov/agreement-states.html>. NRC provides assistance to States expressing interest in establishing programs to assume NRC regulatory authority. The NRC relinquishes to the States portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials. Iowa, for example, is an agreement state with respect to nuclear materials.

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From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Monday, April 28, 2025 10:53 AM
To: Bryan Bergeon <Bryan.Bergeon@nrc.gov>
Subject: [External_Sender] Nuclear Energy Woodbury County Zoning

Mr. Bergeon,

This message is a follow up from our March 25 conversation regarding nuclear energy and county level permitting as Woodbury County, Iowa is currently examining nuclear energy as a potential land use.

As noted in our conversation, we are interested in the various aspects of the NRC permitting process, including nuclear types, definitions, and potential permitting scenarios. At this time, I wanted to check and see if you have additional information that we can include in our upcoming meetings not limited to nuclear definitions and types of nuclear. Additionally, we would like more details about the relationship between federal, state, and local government

bodies as it pertains to nuclear permitting. It was my understanding that some resources would be made available to us.

Thank you for your assistance with this matter.

Respectfully and sincerely,

Daniel J. Priestley, MPA
Woodbury County Zoning Coordinator
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Sioux City, IA 51101

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Fax: 712-279-6530
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DEFINITIONS AND TERMINOLOGY OF INTEREST

Nuclear energy facility means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives.

Explanation of Definition:

This definition incorporates concepts from multiple NRC regulations, particularly those in 10 CFR Part 50, which governs the domestic licensing of production and utilization facilities. The NRC uses terms like "production facility" and "utilization facility" to describe facilities involved in nuclear energy production, and these terms are defined in 10 CFR § 50.2. Here's how the definition aligns with specific regulatory sources:

1. **"Facility designed or used for the generation of electricity or power through nuclear fission or fusion":**
 - This aligns with the definition of a "utilization facility" in **10 CFR § 50.2**, which states:
"Utilization facility means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233; or An accelerator-driven subcritical operating assembly used for the irradiation of materials containing special nuclear material and described in the application assigned docket number 50-608."
 - Nuclear reactors for electricity generation (typically fission-based) are the primary focus of Part 50, as it regulates commercial nuclear power plants. Fusion is not currently regulated under Part 50, as it is not yet commercially viable, but the inclusion here may reflect a broad interpretation.
 - **Citation:** 10 CFR § 50.2, available at:
<https://www.ecfr.gov/current/title-10/chapter-I/part-50/section-50.2>
2. **"Including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy":**
 - The term "structures, systems, or components" (SSCs) is a key concept in NRC regulations, particularly in safety-related contexts. While not explicitly defined as part of a "nuclear energy facility" in one place, **10 CFR § 50.2** defines "safety-related structures, systems, and components" as those relied upon to ensure reactor safety, which implies their inclusion in the facility's scope.
 - The phrase "production of atomic energy" echoes the Atomic Energy Act of 1954 (AEA), which underpins NRC authority (see 42 U.S.C. § 2014), defining "atomic energy" as energy released from fission or fusion.
 - **Citation:** 10 CFR § 50.2 (see URL above); Atomic Energy Act, Section 11, available at:
<https://www.nrc.gov/about-nrc/governing-laws.html> (via NUREG-0980).
3. **"Handling, processing, or temporary storage of nuclear materials or byproduct materials":**
 - This broadens the scope beyond power generation to include activities regulated under 10 CFR Part 50 and related parts (e.g., Part 30 for byproduct material). **10 CFR § 50.2** defines "byproduct material" and "special nuclear material," and licensing under Part 50 includes provisions for handling and temporary storage (e.g., spent fuel pools at reactor sites).
 - **Citation:** 10 CFR § 50.2 (see URL above).
4. **"In compliance with federal and state regulatory requirements as administered by the NRC":**
 - This reflects the NRC's authority under the AEA and Energy Reorganization Act of 1974, delegated through 10 CFR Part 50, which sets licensing and operational requirements for nuclear facilities. Agreement States (under AEA Section 274) may regulate certain materials, but Part 50 facilities are under NRC jurisdiction unless specified otherwise.
 - **Citation:** 10 CFR Part 50, available at:
<https://www.ecfr.gov/current/title-10/chapter-I/part-50>

Conclusion:

The definition is a composite derived from **10 CFR § 50.2** definitions (e.g., "utilization facility," "byproduct material") and the broader regulatory purpose of Part 50, which licenses nuclear power reactors and associated activities. The primary source is **10 CFR § 50.2**, supplemented by the AEA's foundational terminology.

Nuclear waste storage means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security.

Explanation of Definition

1. Facility, structure, or area designated and engineered for the safe containment, isolation, or disposal" aligns with language in NRC regulations, such as 10 CFR Part 60 (Disposal of High-Level Radioactive Wastes in Geologic Repositories) and 10 CFR Part 72 (Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste).
2. "Byproduct material, special nuclear material, or other radioactive materials" reflects definitions in 10 CFR Part 20 (Standards for Protection Against Radiation) and the Atomic Energy Act of 1954, as amended.
3. "Generated from nuclear energy facilities" ties to the scope of 10 CFR Part 50, which covers domestic licensing of production and utilization facilities (e.g., nuclear power reactors).

4. "Temporary or permanent storage solutions" and "complies with federal regulations under 10 CFR Part 50 and related parts" suggest a broad interpretation encompassing both interim storage (e.g., 10 CFR Part 72) and permanent disposal (e.g., 10 CFR Part 60 or 61).
5. "Subject to oversight by the NRC to protect public health, safety, and the common defense and security" mirrors the NRC's mission and regulatory authority as stated in its enabling legislation and regulations.

Related Sources:

- **10 CFR Part 50:** This part addresses the licensing of nuclear power plants but does not explicitly define "nuclear waste storage." It indirectly relates through requirements for managing radioactive materials (e.g., 10 CFR 50.2 defines terms like "byproduct material" and "special nuclear material"). Available at: <https://www.ecfr.gov/current/title-10/chapter-I/part-50>.
- **10 CFR Part 72:** This part provides a more direct connection, defining terms and requirements for independent spent fuel storage installations (ISFSIs), which are engineered for the "storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste." See: <https://www.ecfr.gov/current/title-10/chapter-I/part-72>.
- **NRC Backgrounder on Radioactive Waste:** This provides a general overview of radioactive waste management, including storage: <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/radwaste.html>.

Conclusion:

The definition is not explicitly stated in any single NRC regulation or document but appears to be a composite derived from multiple sources, primarily within the Code of Federal Regulations, Title 10, administered by the NRC. The most relevant specific URL for the regulatory framework underpinning this definition would be the NRC's compilation of regulations, such as: <https://www.ecfr.gov/current/title-10/chapter-I> (Title 10, Chapter I – Nuclear Regulatory Commission).

NRC Emergency Planning Zone

1. The following URL includes safety zones including a 10-mile Plume Exposure Pathway EPZ and 50-mile Ingestion Exposure Pathway EPZ, which could serve as the basis for public notification and emergency planning.
2. URL: <https://www.nrc.gov/about-nrc/emerg-preparedness/about-emerg-preparedness/planning-zones.html>

NRC Licensing

- <https://www.nrc.gov/about-nrc/regulatory/licensing.html>

NRC Public Involvement in Licensing

- <https://www.nrc.gov/about-nrc/regulatory/licensing/pub-involve.html>

Nuclear Power Plant

- A nuclear power plant is a thermal power station that harnesses energy from nuclear fuel fission. Here's how it works: the heat released during fission boils water, producing steam. This steam drives a turbine connected to a generator, ultimately producing electricity.

Small Modular Reactors (SMR)

- Type of advanced nuclear reactor designed to be smaller in size and capacity compared to traditional nuclear reactors.
- Characteristics:
 - Small Size. SMRs have a power capacity of up to 30 MW per unit, which is about one-third of the capacity of conventional nuclear reactors.
 - Modular Construction. These reactors are designed to be factory-assembled and transported to the site for installation.
 - Flexibility. SMRs can be deployed in single or multiple modules, making them suitable for a variety of application, including industrial use and remote areas with limited grid capacity.
 - Safety. Many SMR designs incorporate passive safety features, which rely on natural physical processes rather than active controls to ensure safety.

NUCLEAR PROCESS BEFORE THE NUCLEAR REGULATORY COMMISSION

Nuclear energy power plants including their establishment is primarily governed by the United States Nuclear Regulatory Commission (NRC). The NRC has a significant amount of control over the permitting and operation of such plants. Companies who wish to get involved in nuclear must directly work with the NRC through the process of obtaining an "Early site permit (ESP)." An example of this process can be found at the following NRC website: <https://www.nrc.gov/reactors/new-reactors/large-lwr/esp/north-anna.html>

This website illustrates the process for the North Anna Site that was submitted by Dominion Nuclear North Anna, LLC. It includes application information, a review schedule, a safety evaluation report, a final environmental impact statement, the North Anna Early Site Permit, and contacts. There is also a "combined license process" which includes construction and operation approvals. The applicants must provide detailed plans for the plant's design, construction, and operation as well as safety measures. It is the duty of the NRC to thoroughly review the submissions. The following website includes a list of combined license applications for new reactors: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col.html>

An example of a combined license can be found at this link for the North Anna, Unit 3 site: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col/north-anna.html>. The application materials include: referenced documents; application information; review schedule; safety evaluations; early site permit; final supplemental environmental impact statement; combined licenses; related application information; and contacts. In the combined license process, the application is reviewed and includes a public participation process, safety and environmental reviews and compliance with the National Environmental Policy Act (NEPA). The NRC also is involved in design certification, construction and operation, and post-license oversight.

It appears at this time that the permitting process for nuclear power plants including modular is a multi-governmental complex process largely governed by the NRC. The Iowa legislature appears to have considered two study bills (House Study Bill 555 and Senate

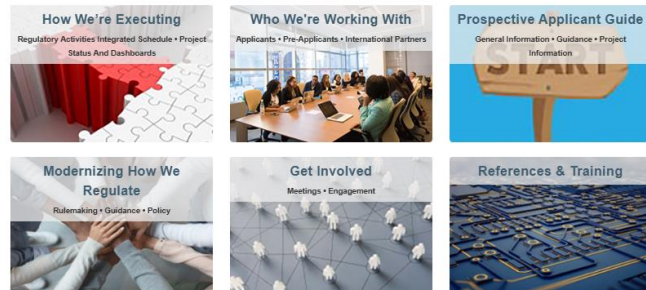
Study Bill 3075) which would designate modular nuclear as an alternative energy production facility in Iowa. For more information, there is a January 25, 2024 article written by Wally Taylor entitled “Iowa Utilities bill includes a good idea – and a lost cause” <https://www.bleedingheartland.com/2024/01/25/iowa-utilities-board-bill-includes-a-good-idea-and-a-lost-cause/>

Nuclear Regulatory Commission Website Resources – Excerpts from NRC.GOV

Source: <https://www.nrc.gov/reactors/new-reactors/advanced.html>

Advanced Reactors

The NRC refers to non-light water reactor (non-LWR) designs and small modular light water reactors (SMRs) as advanced reactors. These reactors incorporate innovative technologies compared to existing operating reactors, such as passive safety features, alternative fuel or coolant types, or smaller reactor sizes. While non-LWRs use distinct technologies and materials, SMRs are a subset of light water reactors that are designed to be more compact, scalable, and potentially safer, with many sharing features like passive safety systems and advanced engineering designs.



Related Information



Page Last Reviewed/Updated Tuesday, March 04, 2025

Laws and Regulations



New nuclear reactor licensing is a complex, multi-year process governed by both federal laws passed by the U.S. Congress and regulations developed by the NRC. The [Federal laws governing the NRC](#) generally have high-level directives for the civilian use of nuclear materials. The finer details of reactor licensing and other civilian uses are found in [Title 10 of the Code of Federal Regulations](#) (10 CFR). The NRC develops and issues these regulations for all areas under its jurisdiction. All U.S. civilian uses of materials must comply with federal laws and the regulations in 10 CFR.

Governing Legislation

The NRC was established by the Energy Reorganization Act of 1974. A summary and a text of this law, as well as other key laws that govern our operations, are provided below. The texts of other laws may be found in [Nuclear Regulatory Legislation](#) (NUREG-0980).

This page includes links to files in non-HTML format. See [Plugins, Viewers, and Other Tools](#) for more information.

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- [Uranium Mill Tailings Radiation Control Act of 1978](#)
- [Nuclear Non-Proliferation Act of 1978](#)
- [Administrative Procedure Act \(5 U.S.C. Chapters 5 through 8\)](#)
- [National Environmental Policy Act](#)

Fundamental Laws Governing Civilian Uses of Nuclear Materials and Facilities

- [Atomic Energy Act of 1954, as Amended \(summary below, full-text version\)](#)
- [Energy Reorganization Act of 1974 \(summary below, full-text version\)](#)

- Reorganization Plans ([summary below](#), [full-text version](#))

Nuclear Waste

- Nuclear Waste Policy Act of 1982 ([summary below](#), [full-text version](#))
- Low-Level Radioactive Waste Policy Amendments Act of 1985 ([summary below](#), [full-text version](#))
- Uranium Mill Tailings Radiation Control Act of 1978 ([summary below](#), [full-text version](#))

Non-Proliferation

- Nuclear Non-Proliferation Act of 1978 ([summary below](#), [full-text version](#))

Fundamental Laws Governing the Processes of Regulatory Agencies

- Administrative Procedure Act (5 U.S.C. Chapters 5 through 8) ([summary below](#), [full-text version](#))
- National Environmental Policy Act ([summary below](#), [full-text version](#))



Atomic Energy Act of 1954, as Amended

This Act is the fundamental U.S. law on both the civilian and the military uses of nuclear materials. On the civilian side, it provides for both the development and the regulation of the uses of nuclear materials and facilities in the United States, declaring the policy that "the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise." The Act requires that civilian uses of nuclear materials and facilities be licensed, and it empowers the NRC to establish by rule or order, and to enforce, such standards to govern these uses as "the Commission may deem necessary or desirable in order to protect health and safety and minimize danger to life or property." Commission action under the Act must conform to the Act's procedural requirements, which provide an opportunity for hearings and Federal judicial review in many instances.

Under section 274 of the Act, the NRC may enter into an agreement with a State for discontinuance of the NRC's regulatory authority over some materials licensees within the State. The State must first show that its regulatory program is compatible with the NRC's and adequate to protect public health and safety. The NRC retains authority over, among other things, nuclear power plants within the State and exports from the State.

A major amendment to the Act established compensation for, and limits on, licensee liability for injury to off-site persons or damage to property caused by nuclear accidents. The Act was most recently amended by the [ADVANCE Act of 2024](#), including amendments to the Act's definition of byproduct material to address fusion machines explicitly and to provide the NRC with additional tools to strengthen the NRC workforce.

([full-text version](#))



Energy Reorganization Act of 1974

This Act established the Nuclear Regulatory Commission. Under the Atomic Energy Act of 1954, a single agency, the Atomic Energy Commission, had responsibility for the development and production of nuclear weapons and for both the development and the safety regulation of the civilian uses of nuclear materials. The Act of 1974 split these functions, assigning to one agency, now the Department of Energy, the responsibility for the development and production of nuclear weapons, promotion of nuclear power, and other energy-related work, and assigning to the NRC the regulatory work, which does not include regulation of defense nuclear facilities. The Act of 1974 gave the Commission its collegial structure and established its major offices. The later amendment to the Act also provided protections for employees who raise nuclear safety concerns.

([full-text version](#))



Reorganization Plans

Reorganization Plan No. 3 of 1970 established the U.S. Environmental Protection Agency (EPA) and gave it a role in establishing "generally applicable environmental standards for the protection of the general environment from radioactive material."

Reorganization Plan No. 1 of 1980 strengthened the executive and administrative roles of the NRC Chairman, particularly in emergencies, transferring to the Chairman "all the functions vested in the Commission pertaining to an emergency concerning a particular facility or materials ... regulated by the Commission." This Reorganization Plan also provided that all policy formulation, policy-related rulemaking, and orders and adjudications would remain vested with the full Commission.

([full-text version](#))



Nuclear Waste Policy Act of 1982, as Amended

This Act establishes both the Federal government's responsibility to provide a place for the permanent disposal of high-level radioactive waste and spent nuclear fuel, and the generators' responsibility to bear the costs of permanent disposal. Amendments to the Act have focused the Federal government's efforts, through the Department of Energy, regarding a possible site at Yucca Mountain, Nevada.

([full-text version](#))



Low-Level Radioactive Waste Policy Amendments Act of 1985

This Act gives States the responsibility to dispose of low-level radioactive waste generated within their borders and allows them to form compacts to locate facilities to serve a group of States. The Act provides that the facilities will be regulated by the NRC or by States that have entered into Agreements with the NRC under section 274 of the Atomic Energy Act. The Act also requires the NRC to establish standards for determining when radionuclides are present in waste streams in sufficiently low concentrations or quantities as to be "below regulatory concern."

[\(full-text version\)](#)



Uranium Mill Tailings Radiation Control Act of 1978

This Act establishes programs for the stabilization and control of mill tailings at uranium or thorium mill sites, both active and inactive, in order to prevent or minimize, among other things, the diffusion of radon into the environment. Title II of the Act gives the NRC regulatory authority over mill tailing at sites under NRC license on or after January 1, 1978.

[\(full-text version\)](#)



Nuclear Non-Proliferation Act of 1978

This Act seeks to limit the spread of nuclear weapons by, among other things, establishing criteria governing U.S. nuclear exports licensed by the NRC and taking steps to strengthen the international safeguards system.

[\(full-text version\)](#)



Administrative Procedure Act (5 U.S.C. Chapters 5 through 8)

This Act is the fundamental law governing the processes of Federal administrative agencies. Its original focus was on rulemaking and adjudication. It requires, for example, that affected persons be given adequate notice of proposed rules and an opportunity to comment on the proposed rules and that, in cases in which another statute requires that the agency provide a hearing "on the record," the parties are given adequate opportunity to present facts and argument and the hearing officer is impartial. The Act gives interested persons the right to petition an agency for the issuance, amendment, or repeal of a rule. It also provides standards for judicial review of agency actions. The Act has been amended often and now incorporates several other acts that cover a great range of processes. Three of these incorporated acts deal with access to information. The Freedom of Information Act requires that agencies make public their rules, adjudicatory decisions, statements of policy, instructions to staff that affect a member of the public, and, upon request, such other material as does not fall into one of the Act's exceptions for material dealing with national security, trade secrets, and the like. The Government in the Sunshine Act requires that collegial bodies such as the Commission hold their meetings in public, with certain exceptions for meetings on matters such as, again, national security. The Privacy Act limits release of certain information about individuals. Two of the acts incorporated into the Administrative Procedure Act provide for alternative mechanisms for resolving differences. The Negotiated Rulemaking Act allows agencies to develop rules in certain situations by negotiations among a limited number of parties, negotiations aimed at reaching a consensus on the proposed rule and avoiding litigation over the final rule. The Administrative Dispute Resolution Act urges agencies to use negotiation, mediation, arbitration, and related techniques in place of adjudication, enforcement, rulemaking, or court litigation.

Two other incorporated acts are noteworthy. The Regulatory Flexibility Act requires that agencies consider the special needs and concerns of small entities in conducting rulemaking. The Congressional Review Act requires that every agency rule be submitted to Congress before being made effective, and that every "major" rule sit before Congress for 60 days before being made effective, during which time the rule can be subjected to an accelerated process that can lead to a statutory modification or disapproval of the rule.

[\(full-text version\)](#)



National Environmental Policy Act

Every proposal for a major Federal action significantly affecting the quality of the human environment requires a detailed statement on, among other things, the environmental impact of the proposed action and alternatives to the proposed action. The statement is to accompany the proposal through the agency review process. The Act also established in the Executive Office of the President a Council on Environmental Quality, which has issued regulations on the preparation of environmental impact statements and on public participation in the preparation of the statements.

[\(full-text version\)](#)

NRC Regulations Title 10, Code of Federal Regulations

Requirements binding on all persons and organizations who receive a license from NRC to use nuclear materials or operate nuclear facilities

[Effective Dates](#) | [Federal Register Notices](#) | [Rulemaking](#)

See also NRC's regulations, Title 10, Chapter I, of the *Code of Federal Regulations*, [Volume 1 \(Parts 1 – 50\)](#) and [Volume 2 \(Parts 51 – 199\)](#) which the [Government Publishing Office](#) maintains and updates annually.

[Standards Incorporated By Reference into Chapter I of Title 10 of the Code of Federal Regulations](#)

Download Title 10 (ZIP archive file):

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Part 160	Trespassing on Commission property
Part 170	Fees for facilities, materials, import and export licenses, and other regulatory services under the Atomic Energy Act of 1954, as amended
Part 171	Annual fees for reactor licenses and fuel cycle licenses and materials licenses, including holders of certificates of compliance, registrations, and quality assurance program approvals and government agencies licensed by the NRC
Parts 172-199	[Reserved]

ANNOTATED BIBLIOGRAPHY

The following annotated bibliography reveals several key themes surrounding nuclear energy. It begins with a foundational understanding of nuclear energy's scientific principles and its role in electricity generation, emphasizing its low-emission potential alongside the challenge of radioactive waste management. A significant focus is placed on the pros and cons, highlighting benefits like carbon-neutral power, reliability, and efficiency, while addressing drawbacks such as safety risks, high costs, and waste disposal concerns. Emerging technologies, including small modular reactors (SMRs) and high-assay low-enriched uranium (HALEU), are explored as innovative solutions offering enhanced safety and cost-effectiveness. Policy and regulatory efforts, particularly in the U.S., aim to streamline deployment and licensing to bolster the nuclear sector. Nuclear energy's role in combating climate change is underscored by its low carbon footprint, though economic factors like high capital costs and the need for government support remain critical. Finally, the persistent challenge of radioactive waste management is a recurring theme, with progress in interim storage and geological repositories tempered by delays, costs, and public opposition, leaving long-term solutions unresolved. Together, these themes reflect nuclear energy's complex balance of promise and peril.

Theme 1: General Overview and Science of Nuclear Energy

This theme covers sources that provide foundational explanations of nuclear energy, its scientific basis, and its role in energy production.

- **Endesa. (2022).** *Nuclear energy: what it is and its advantages and disadvantages*. Retrieved from <https://www.endesa.com/en/the-c-face/power-plants/nuclear-power>
 - The article aims to clarify nuclear energy, its generation, and its role in energy production, particularly in Spain. It seeks to provide an informative overview for understanding nuclear energy's implications, especially in land use planning for county zoning ordinances.
- **Galindo, A. (2022).** *What is nuclear energy? The science of nuclear power*. International Atomic Energy Agency. Retrieved from <https://www.iaea.org/newscenter/news/what-is-nuclear-energy-the-science-of-nuclear-power>
 - Nuclear energy, derived from nuclear fission, is harnessed in power plants to generate electricity. The process involves splitting uranium atoms, managing radioactive waste, and adhering to international safety standards set by the IAEA.
- **National Geographic. (2020).** *Nuclear energy*. Retrieved from <https://education.nationalgeographic.org/resource/nuclear-energy/>
 - Nuclear energy, derived from splitting atoms, is harnessed in reactors to generate electricity. While clean and renewable, it requires careful handling of radioactive waste.
- **U.S. Energy Information Administration. (n.d.).** *Nuclear explained. Nuclear power and the environment*. Retrieved from <https://www.eia.gov/energyexplained/nuclear/nuclear-power-and-the-environment.php>
 - Nuclear power plants in the U.S. have robust safety measures and containment structures. While nuclear power generation is low-emission, it produces radioactive waste requiring strict management and disposal.

Theme 2: Pros and Cons of Nuclear Energy

This theme includes sources that evaluate the advantages and disadvantages of nuclear energy, focusing on safety, cost, efficiency, and environmental impact.

- **Iginia, M. (2023).** *The advantages and disadvantages of nuclear energy*. Earth.org. Retrieved from <https://earth.org/the-advantages-and-disadvantages-of-nuclear-energy/>
 - Educates readers on nuclear energy's environmental, economic, and safety implications. This information is crucial for zoning and land use policies.
- **Just Energy. (2023).** *Pros and cons of nuclear energy: Safety, cost, efficiency*. Retrieved from <https://justenergy.com/blog/pros-and-cons-of-nuclear-energy-safety-cost-efficiency/>
 - Nuclear energy offers carbon-neutral power and significant energy output, but risks include accidents, waste disposal, and limited resources. Technological advancements are crucial for improving safety and efficiency.
- **Let's Talk Science. (2019).** *What are the pros and cons of nuclear energy?* Retrieved from <https://letstalkscience.ca/educational-resources/stem-in-context/what-are-pros-and-cons-nuclear-energy>

- Nuclear energy has both advantages and disadvantages. While it offers safety and reduces air pollution, concerns remain about nuclear weapons proliferation, waste management, and potential accidents.
- **Lumley, G. (2024).** *Pros and cons of nuclear energy*. BKV Energy. Retrieved from <https://bkvenergy.com/learning-center/nuclear-energy-pros-and-cons/>
 - Nuclear energy offers low emissions and high efficiency but faces challenges like accidents, waste management, and high costs. While it can reduce fossil fuel dependency, safety, proliferation, and long-term viability concerns remain.
- **Mathis, J. (2023).** *The pros and cons of nuclear power*. The Week. Retrieved from <https://theweek.com/climate-change/1013907/the-pros-and-cons-of-nuclear-power>
 - Nuclear power is a double-edged sword, offering emissions-free energy and energy security but posing challenges like waste management, high costs, and safety risks.
- **Moses, M. (2020).** *What are the advantages of nuclear energy?* EDF Energy. Retrieved from <https://www.edfenergy.com/energywise/what-are-advantages-nuclear-energy>
 - Nuclear energy is a low-carbon, reliable, and efficient solution. It provides a stable power supply, is highly efficient, and has a long operational life.
- **Smith, J. (n.d.).** *The pros and cons of nuclear energy in 2025*. Solar Reviews. Edited by Catherine Lane. Retrieved from <https://www.solarreviews.com/blog/nuclear-energy-pros-and-cons>
 - Nuclear energy offers low-cost, reliable power with zero-carbon emissions, but it comes with environmental concerns, water usage, and the risk of accidents.
- **The Conversation. (2021).** *How to make up your mind about the pros and cons of nuclear power*. Retrieved from <https://theconversation.com/how-to-make-up-your-mind-about-the-pros-and-cons-of-nuclear-power-172474>
 - Nuclear power offers low carbon emissions and reliable energy, but concerns remain about accidents, waste disposal, and high initial costs.
- **Unwin, J. (2019).** *Nuclear power: The pros and cons of the energy source*. Power Technology. Retrieved from <https://www.power-technology.com/features/nuclear-power-pros-cons/>
 - Nuclear power offers low carbon emissions and reliable energy, but risks nuclear accidents and waste disposal. High initial costs and long-term storage challenges must be considered.
- **U.S. Department of Energy. (2024).** *Advantages and challenges of nuclear energy*. Retrieved from <https://www.energy.gov/ne/articles/advantages-and-challenges-nuclear-energy>
 - Nuclear energy is a clean and reliable source of power, but faces challenges such as public perception, used fuel management, and high construction and operating costs.
- **X-Energy. (2023).** *The advantages of nuclear energy*. Retrieved from <https://x-energy.com/blog-all/investing-in-our-planet-earth-day-and-beyond-2sz9p>
 - Nuclear energy is highlighted as a clean, safe, and reliable solution. Advanced nuclear technologies, like small modular reactors, offer benefits such as reduced water usage, enhanced safety, and cost-effectiveness.

Theme 3: Advanced Nuclear Technologies (e.g., Small Modular Reactors, HALEU)

This theme focuses on emerging nuclear technologies, such as small modular reactors (SMRs) and high-assay low-enriched uranium (HALEU).

- **Kanost, T., & Lawrence, B. (2022).** *Without a plant currently operating in Iowa, does nuclear energy have a future in the state?* We Are Iowa. Retrieved from <https://www.weareiowa.com/article/tech/science/climate-change/nuclear-energy-in-iowa-future-developments-midamerican/524-aed2ac4-7c3b-406a-a84b-c6e356b181ee>
 - MidAmerican Energy's Wind PRIME project explores nuclear energy, specifically small modular reactors (SMRs), to achieve net-zero emissions. While SMRs offer potential benefits, safety, cost, and waste management concerns remain.
- **Liou, J. (2023).** *What are small modular reactors (SMRs)?* International Atomic Energy Agency. Retrieved from <https://www.iaea.org/newscenter/news/what-are-small-modular-reactors-smrs>
 - Small Modular Reactors (SMRs) are compact, factory-built nuclear reactors with a power capacity of up to 300 MW(e). They offer advantages like flexible siting, cost-effectiveness, and enhanced safety, making them suitable for various applications and locations.
- **U.S. Department of Energy. (n.d.).** *Advanced Small Modular Reactors (SMRs)* Retrieved from <https://www.energy.gov/ne/advanced-small-modular-reactors-smrs>
 - Advanced Small Modular Reactors (SMRs) offer versatility, safety, and economic benefits, with government support and funding opportunities for their development.
- **U.S. Department of Energy. (2024).** *What is high assay low enriched uranium (HALEU)?* Retrieved from <https://www.energy.gov/ne/articles/what-high-assay-low-enriched-uranium-haleu>
 - High-Assay Low-Enriched Uranium (HALEU) is essential for advanced nuclear reactors, and the DOE is exploring production methods to meet the growing domestic demand. The Piketon Demonstration Project and HALEU Availability Program aim to ensure a domestic supply chain for HALEU.
- **U.S. Department of Energy. (2024).** *NRC docket construction permit application for TerraPower's Sodium reactor*. Retrieved from <https://www.energy.gov/ne/articles/nrc-dockets-construction-permit-application-terrapowers-sodium-reactor>
 - The NRC accepted TerraPower's application for a sodium-cooled fast reactor in Wyoming, marking the first time in over 40 years. The project aims to demonstrate advanced reactor technology and support clean energy.

Theme 4: Policy, Regulation, and Deployment

This theme addresses governmental policies, regulatory frameworks, and efforts to deploy nuclear energy.

- **Baranwal, R. (2019).** *New DOE and NRC agreement will lead to faster deployment and licensing of U.S. nuclear*. U.S. Department of Energy. Retrieved from <https://www.energy.gov/ne/articles/new-doe-and-nrc-agreement-will-lead-faster-deployment-and-licensing-us-nuclear>

- The U.S. Department of Energy and the NRC are collaborating to accelerate the deployment of advanced nuclear technologies. This partnership will streamline the licensing process, provide information sharing, and enable faster commercialization of these technologies.
- **Nuclear Regulatory Commission. (n.d.).** *Backgrounder on nuclear power plant licensing process.* Retrieved from <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/licensing-process-fs.html>
 - The Nuclear Regulatory Commission (NRC) oversees the licensing process for nuclear power plants in the United States, which involves a two-step process, combined license, early site permits, and design certification. The NRC ensures compliance with regulations for public health, safety, and environmental protection throughout the plant's lifetime.
- **Nuclear Regulatory Commission. (n.d.).** *Office of Nuclear Material Safety and Safeguards.* Retrieved from <https://scp.nrc.gov/>
 - The Office of Nuclear Material Safety and Safeguards (NMSS) within the Nuclear Regulatory Commission (NRC) manages communication and relationships with various government entities. NMSS also oversees key programs like the Agreement State Program and Tribal Liaison Program, providing resources and support.
- **U.S. Department of Energy. (2024).** *Newly signed bill will boost nuclear reactor deployment in the United States.* Retrieved from <https://www.energy.gov/nc/articles/newly-signed-bill-will-boost-nuclear-reactor-deployment-united-states#:~:text=President%20Biden%20signed%20the%20Fire,t%20seen%20since%20the%201970s>
 - The ADVANCE Act, part of the Fire Grants and Safety Act, aims to revitalize the U.S. nuclear power sector by accelerating reactor deployment, supporting innovation, and ensuring a secure, clean energy future.
- **White House-Biden Administration. (2024).** *Fact sheet: Biden-Harris administration announces new steps to bolster domestic nuclear industry and advance America's clean energy future.* Retrieved from <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2024/05/29/fact-sheet-biden-harris-administration-announces-new-steps-to-bolster-domestic-nuclear-industry-and-advance-americas-clean-energy-future/>
 - The Biden-Harris Administration announced initiatives to strengthen the domestic nuclear industry, reduce reliance on Russian uranium, and advance clean energy. These efforts aim to support a carbon-free electricity sector by 2035.

Theme 5: Nuclear Energy and Climate Change

This theme explores nuclear energy's role as a solution to climate change and its environmental implications.

- **Rhodes, R. (2018).** *Why nuclear power must be part of the energy solution: Environmentalists and climate.* Yale Environment 360. Retrieved from <https://e360.yale.edu/features/why-nuclear-power-must-be-part-of-the-energy-solution-environmentalists-climate>
 - Nuclear power, with its low carbon emissions and high capacity factor, is a valuable solution to climate change, despite concerns about accidents and waste.

Theme 6: Economics of Nuclear Power

This theme focuses on the financial aspects of nuclear energy, including costs, competitiveness, and government support.

- **World Nuclear Association. (2021).** *Economics of nuclear power.* Retrieved from <https://world-nuclear.org/information-library/economic-aspects/economics-of-nuclear-power>
 - Nuclear power is cost-competitive, especially with low fuel costs and long-term operation, despite high capital costs. Government support is crucial for financing nuclear power projects in deregulated markets.

Theme 7: Radioactive Waste Management and Disposal

This theme covers the challenges, methods, and policies related to managing and disposing of nuclear waste.

- **Earth.Org. (2022).** *The nuclear waste disposal dilemma.* Retrieved from <https://earth.org/nuclear-waste-disposal/>
 - Finland's Onkalo repository showcases a pioneering approach to permanent disposal, potentially setting a global standard. Critics note technical uncertainties and high costs, questioning its viability as a universal solution.
- **Ewing, R. C. (2018).** *The steep costs of nuclear waste in the U.S.* Stanford Doerr School of Sustainability. Retrieved from <https://sustainability.stanford.edu/news/steep-costs-nuclear-waste-us>
 - Interim storage is well-contained, but aging tanks at sites like Hanford have leaked, releasing radioactivity into the environment. Permanent disposal could save billions, yet funding and political will remain inadequate.
- **International Atomic Energy Agency (IAEA). (2022).** *New IAEA report presents global overview of radioactive waste and spent fuel management.* Retrieved from <https://www.iaea.org/newscenter/news/new-iaea-report-presents-global-overview-of-radioactive-waste-and-spent-fuel-management>
 - Positives include significant progress in safe interim storage and the development of deep geological repositories (DGRs), with Finland nearing operation of the first such facility. Negatives include prolonged storage due to delays in disposal capacity, increasing the need for additional facilities and raising safety concerns over time.
- **Macfarlane, A., & Ewing, R. C. (2023).** *Nuclear waste is piling up. Does the U.S. have a plan?* Scientific American. Retrieved from <https://www.scientificamerican.com/article/nuclear-waste-is-piling-up-does-the-u-s-have-a-plan/>
 - Temporary storage at reactor sites is safe for decades, but the lack of a geologic repository shifts risks to future generations. The authors highlight job creation potential in repository projects, though political gridlock and community opposition remain significant barriers.
- **Nuclear Energy Agency (NEA). (n.d.).** *The disposal of high-level radioactive waste (Issue Brief No. 3).* Retrieved from https://www.oecd-nea.org/jcms/pl_14918/issue-brief-no-3-the-disposal-of-high-level-radioactive-waste
 - DGRs provide a sustainable solution with robust isolation, supported by international cooperation. Challenges include high costs, technical uncertainties over millennia, and the need for public trust in safety assurances.
- **U.S. Energy Information Administration (EIA). (2022).** *Nuclear explained. Nuclear power and the environment.* Retrieved from <https://www.eia.gov/energyexplained/nuclear/nuclear-power-and-the-environment.php>
 - Nuclear power plants produce minimal carbon emissions, and high-level waste is initially stored safely in water pools or dry casks. However, the U.S. lacks a permanent disposal site, leaving waste at reactor sites indefinitely, posing long-term environmental and safety risks.

- **U.S. Environmental Protection Agency (EPA). (2025).** *Radioactive waste*. Retrieved from <https://www.epa.gov/radtown/radioactive-waste>
 - Strict regulations ensure safe handling and transport of high-level waste, minimizing immediate risks. Long-term isolation remains unresolved, with potential environmental contamination if storage fails over time.
- **U.S. Government Accountability Office (GAO). (2023).** *Nuclear waste disposal*. Retrieved from <https://www.gao.gov/nuclear-waste-disposal>
 - Storage facilities like the Waste Isolation Pilot Plant (WIPP) demonstrate successful disposal of transuranic waste, but high-level waste from commercial reactors remains stranded, costing billions in damages to utilities and lacking a clear disposal path.
- **U.S. Nuclear Regulatory Commission (NRC). (2024).** *Background on radioactive waste*. Retrieved from <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/radwaste.html>
 - High-level waste is securely managed in robust containers, with strict regulations ensuring safety during storage. However, the absence of a permanent repository in the U.S. increases reliance on temporary solutions, raising concerns about aging infrastructure and potential leaks.
- **World Nuclear Association. (2024).** *Storage and disposal of radioactive waste*. Retrieved from <https://world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-wastes/storage-and-disposal-of-radioactive-waste.aspx>
 - Positives include proven technologies for interim storage (e.g., dry casks) and international consensus on deep geological disposal as a safe long-term solution. Negatives involve public resistance and the high costs of constructing DGRs, delaying implementation in many countries.
- **World Nuclear Association. (2024).** *Radioactive waste – Myths and realities*. Retrieved from <https://world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-waste/radioactive-wastes-myths-and-realities>
 - High-level waste’s radioactivity decreases significantly over time, and geological disposal is technologically feasible, offering long-term isolation. Negatives include misconceptions fueling public fear, complicating site selection and increasing costs.
- **World Nuclear Waste Report. (n.d.).** *World Nuclear Waste Report: Focus Europe*. Retrieved from <https://worldnuclearwastereport.org/>
 - Wet storage dominates in Europe, posing risks if pools fail, but dry storage offers safer alternatives. High costs and lack of final disposal sites increase reliance on interim solutions, shifting burdens to future generations.

INFORMATIONAL MEETINGS AND PUBLIC HEARINGS

- Zoning Commission, Information Item – August 26, 2024
- Board of Adjustment, Information Item – September 4, 2024
- Zoning Commission, Public Hearing – September 23, 2024
- Board of Adjustment, Information Item – October 7, 2024
- Zoning Commission, Information Item – November 25, 2024
- Zoning Commission, Public Hearing – January 27, 2025
- Zoning Commission, Public Hearing – February 24, 2025
- Board of Adjustment, Information Item – March 3, 2025
- Zoning Commission, Public Hearing – March 24, 2025
- Zoning Commission, Public Hearing – May 28, 2025
- Zoning Commission, Public Hearing – June 23, 2025

STAKEHOLDER COMMENTS

Stakeholders including other jurisdictions, government agencies, utilities, and organizations have been contacted and have been requested to comment on July 26, 2024, December 4, 2024, and January 3, 2025, February 6, 2025, March 6, 2025, June 6, 2025. The comments received are provided for review below.



Dear Woodbury County Stakeholder(s):

Currently, we are requesting your insights, perspective, and input on this matter. Your participation will play a crucial role in shaping the future zoning regulations pertaining to the potential siting of nuclear energy plants in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately sited within the unincorporated areas of Woodbury County?
- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Industrial, Agricultural Preservation, etc.)? See map included.
- Are there any specific considerations or criteria we should prioritize in these areas?

- What potential impacts (economic, environmental, social) do you foresee with the introduction of nuclear energy facilities in our community?

- Are there any specific regulatory frameworks or best practices from other jurisdictions that you believe we should consider when updating our zoning ordinance to include nuclear energy?

Please provide your initial feedback by **August 23, 2024 before 10:00 AM**. You can send your response to dpriestley@woodburycountyiowa.gov, Woodbury County Planning and Zoning, 620 Douglas St., Sixth Floor, Sioux City, IA 51101 or call 712-279-6609 to discuss this matter further.

Thank you in advance for your time and contribution to this important investigation. We look forward to hearing from you.

DJP
Daniel J. Priestley, MPA
Zoning Coordinator

■ Corp Boundaries
 □ Townships
 County Zoning
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 ■ GC-PD
 ■ GI
 ■ LI-PD
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 ■ WR

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Dear Woodbury County Stakeholder(s):

As part of this ongoing effort, we are again seeking your insights, perspectives, and input on this matter. Your involvement remains vital to shaping zoning regulations that thoughtfully consider the potential siting of nuclear energy facilities within our community. Specifically, we welcome your comments and recommendations regarding the following:

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately located within the unincorporated areas of Woodbury County?
- Which zoning districts (e.g., General Industrial, Agricultural Preservation) would you consider most suitable for such facilities? Please reference the enclosed map.
- Are there particular considerations or criteria we should prioritize for these areas?

- What economic, environmental, or social impacts do you anticipate with the introduction of nuclear energy facilities in our community?

- Are there regulatory frameworks, examples, or best practices from other jurisdictions you believe we should examine when updating our zoning ordinance?

Please provide your feedback by January 20, 2025, at 10:00 AM. You may send your response via email to dpriestley@woodburycountyiowa.gov, by mail to Woodbury County Planning and Zoning, 620 Douglas St., Sixth Floor, Sioux City, IA 51101, or call 712-279-6609 to discuss this matter further.

Thank you for your continued engagement in this important matter. We look forward to hearing from you and incorporating your perspectives into this decision-making process.


Daniel J. Priestley, MPA
Zoning Coordinator

Sent again on January 3, 2025 as a follow-up reminder.

Sent again on January 3, 2025 as a follow-up reminder.

COMMENTS

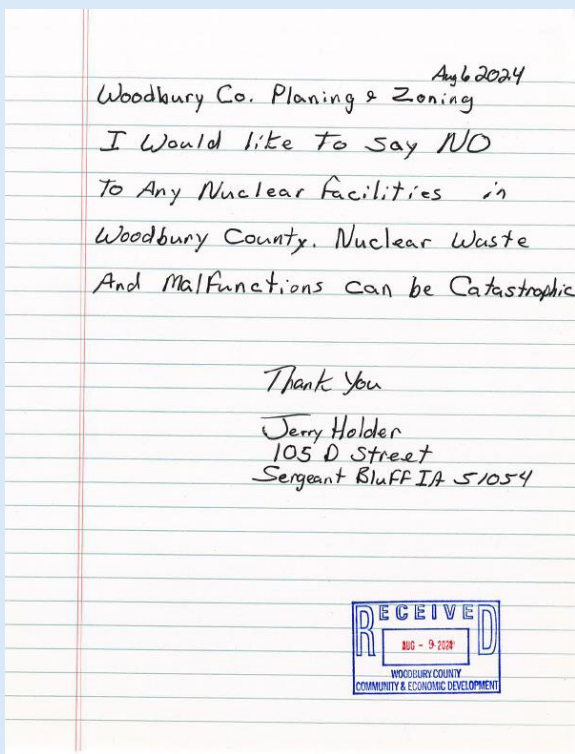
From: Wendi Hess
Sent: Wednesday, August 7, 2024 9:22 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dan: In regards to the 911 Dispatch Center- having this type of facility in our response area would potentially create a need for additional training for our staff members along with participating in regular exercises and training related to potential emergencies at the facility. For us that would become a budgetary item needing to add training funds to our annual budget for overtime, etc related to the additional training activity that would be necessary. I am not sure if there are any specific certifications that would be required by our staff.

Thanks,
Wendi

Wendi Hess
Communications Center Director/Accreditation Manager
Woodbury County Communications
PO Box 447
Sioux City, IA 51102
Office: 712-279-6268
whess@sioux-city.org



From: Bob Scott
Sent: Monday, July 29, 2024 9:44 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I am all four a nuke plant in the area south of town. I am also for wind energy and solar farms. The construction of a nuclear plant would be a boon to our local economy. Nuclear plants are so highly regulated that we should not have to do much locally.

From: Mark Nahra
Sent: Friday, July 26, 2024 4:11 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dan,

I gave this some thought, but reserve the opportunity to add to these comments at a later date. See my preliminary thoughts in **red**.

Mark J. Nahra, P.E.
Woodbury County Engineer
759 E. Frontage Road
Merville, IA 51039
Phone: 712-873-3215 or 712-279-6484
Fax: 712-873-3235
Email: mnahra@woodburycountyiowa.gov
From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Friday, July 26, 2024 10:16 AM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: Comments Requested Nuclear Energy in Woodbury County, Iowa
Importance: High

Dear Woodbury County Stakeholder(s):

The Woodbury County Zoning Commission has been tasked to explore the addition of nuclear energy including modular nuclear technology as a potential land use to the Woodbury County Zoning Ordinance.

Currently, we are requesting your insights, perspective, and input on this matter. Your participation will play a crucial role in shaping the future zoning regulations pertaining to the potential siting of nuclear energy plants in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

Appropriate Locations / Zoning District Designation(s):

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately sited within the unincorporated areas of Woodbury County? **I think the General industrial zoning areas are the best for these facilities with the exception of allowing such a facility to be located within a city's two mile jurisdictional area. Communities desiring to control their own power generation should be able to expand into the rural area from their current boundaries to their two mile jurisdictional limits. When we lived in Tipton, IA, we lived in a community with its own electric generation capacity. I don't feel the county ordinance should interfere with communities' efforts to be energy self-sufficient.**

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- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Industrial, Agricultural Preservation, etc.)? See map included. **General industrial plus portions of districts bordering cities as noted above.**
- Are there any specific considerations or criteria we should prioritize in these areas? **On site security should be a priority to prevent sabotage to nuclear generation plants. I am not sure what this looks like as I sit here today, but feel it should be noted as a consideration in developing site selection standards. Additional concerns may include items like standoff from existing/future housing, distances from water or wastewater treatment facilities, land drainage characteristics, offsets from highways and public properties.**

Impact Assessment:

- What potential impacts (economic, environmental, social) do you foresee with the introduction of nuclear energy facilities in our community? **Less costly, clean energy for county residents and our city dwellers. I don't see a downside to allowing nuclear to develop within the county. I think public perception of the safety of such plants will be a huge issue for entities seeking to develop nuclear power generation.**

Regulatory Framework:

- Are there any specific regulatory frameworks or best practices from other jurisdictions that you believe we should consider when updating our zoning ordinance to include nuclear energy? **Depending upon the size of the reactor and its construction needs, the county should require a Road agreement to assure restoration of county roads damaged by nuclear plant construction. The road agreement for wind generation can, and should be utilized, for nuclear plant construction to assure taxpayers aren't left holding the bag for energy plant construction.**

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Friday, July 26, 2024 10:33 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Nuclear Energy in Woodbury County, Iowa

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 WCICC and DO NOT ENTER any data.**

Daniel,

I have forwarded this to company Management for their input.

Have a great weekend.

Casey Meinen
Lead, Electric Distribution Engineering
Casey.meinen@midamerican.com

Phone (712-233-4831)



From: Bob Scott
Sent: Wednesday, December 4, 2024 4:04 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

I am speaking for myself but I am in favor of a small nuke plant in the area around Neal power plants. I think the investment and the long term affect on rates is worth the risk for these low level type plants. And I have a question if we annex land into the city, your zoning laws regarding solar farms cannot apply to land in the city can they?

From: Bob Scott
Sent: Friday, January 3, 2025 10:47 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Not thast the county will care what my opinion is but I would be supportive of a small nuke plant.

From: Diane Swoboda Peterson
Sent: Monday, January 6, 2025 9:12 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

No comments

Diane Swoboda Peterson
Woodbury County Real Estate/Recorder Deputy
620 Douglas Street; Room 106
Sioux City, Iowa 51101
(712)279-6528

From: Kyle Gates
Sent: Thursday, January 16, 2025 3:33 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I fully support Nuclear Energy in Woodbury County and would feel quite safe with a modern reactor next door.

Items that come to mind:

- Setbacks for perimeter security
- Returning land to previous state after future decommissioning
- Possible collocation with industries for use of low cost/free waste heat (fertilizer production for example)
- Grid resilience/redundancy via distributed locations near end users providing baseload power
- If a lower cost per kwh is attainable, there is a potential for economic development

From: ken bauer <kjbauer57@hotmail.com>
Sent: Thursday, February 6, 2025 12:41 PM
To: Daniel Priestley
Subject: Nuclear energy in Woodbury county.

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Flag Status: Flagged

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I believe nuclear energy would be very beneficial to our county. I worked at port neal for 26 years. I believe coal fired plants are second only to nuclear plants. The wind mills and solar only makes brookshirehathaway rich off tax payers back. The wind doesn't always blow and the sun doesn't always shine (especially at night). I believe it would be more economical than either and the landscape wouldn't be cluttered with old wind mills or solar panels. Ken Bauer , mayor of Correctionville.

From: Christopher Madsen
Sent: Thursday, March 6, 2025 3:09 PM
To: Daniel Priestley
Subject: RE: Nuclear Energy Public Hearing Notice – March 24, 2025: Nuclear Energy and Waste Storage Ordinance Amendments – Your Input Needed

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Dan,

It appears this has been updated to include nuclear waste storage which was not in the last email notice. Have you done any research on the process needed for a storage facility and other entities that would review (such as IDNR)?

If so would you send that over for us to look at?

Thanks!

Chris R. Madsen, AICP, CFM
Senior Planner
City of Sioux City
Phone: 712.279.6341
Email: cmadsen@sioux-city.org
405 6th Street, Box 447
Sioux City IA 51102

Daniel Priestley

From: Riesberg, Patty [HHS] <patty.riesberg@hhs.iowa.gov>
Sent: Thursday, March 20, 2025 1:29 PM
To: Daniel Priestley
Subject: Regulation of Nuclear Energy and Storage

Follow Up Flag: Follow up
Flag Status: Flagged

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Daniel,

Good afternoon. I am the Bureau Chief for the Bureau of Radiological Health with Iowa HHS. I received your inquiry below, forwarded from one of my team members, Stuart Jordan. I've included a response below to your question stated in the second paragraph. If you have any further questions, please feel free to reach out to me. Thank you.

Question: ***One of the questions I received from a stakeholder is how does the State of Iowa, including the Iowa DNR regulate both nuclear power plants, and the storage of nuclear waste?***

All commercial nuclear power in the United States, which includes spent nuclear fuel, is regulated by the Nuclear Regulatory Commission (NRC) through a combination of regulatory requirements, licensing, inspections and enforcement activities.

Considerations for nuclear energy facilities and nuclear waste storage should involve close coordination with the NRC to ensure regulatory compliance. Iowa HHS works closely with NRC to regulate all other radioactive materials in the state of Iowa.

Iowa DNR does not play a regulatory role for nuclear power plants or the storage of waste.

Daniel Priestley

From: Janet Krueger <kruegerjs@icloud.com>
Sent: Monday, March 24, 2025 12:47 PM
To: Daniel Priestley
Subject: Comments for public hearing on nuclear zoning

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Re: Public hearing on zoning for nuclear-related items - comments

Mr. Priestley,

We believe ALL levels of zoning in Woodbury County should EXPRESSLY PROHIBIT any nuclear-related activities (including nuclear waste disposal). That way, if any entity wants to perform nuclear-related activities in the county, they would need to propose zoning changes that allow the public to weigh in on a particular usage. We do NOT want nuclear-related activities to "slip in" before they are expressly prohibited in our zoning ordinances.

Sincerely,

Janet Krueger
Randy Krueger
4862 Bradford Lane
Sioux City, IA 51106

Sent from my iPhone

Daniel Priestley

From: Rick Plathe <rplathe@ibew231.com>
Sent: Tuesday, April 1, 2025 10:27 AM
To: Daniel Priestley
Subject: Support Letter Northwest Iowa Building Trades
Attachments: NWIA Bulding Trades Zoning Letter.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Dan

Please see the attached letter of support form all Unions affiliated with Northwest Iowa Building Trades for the rezoning of industrial land in Woodbury County to add Nuclear language. Please reach out ot me if you have any questions or concerns.

Thanks

Rick Plathe

--

Business Manager
IBEW Local 231
5001 Harbor Drive
Sioux City, Ia 51111
(712) 255-8138



Craig Levine **President**
712-202-3100 clevine@ibew231.com

Spenser Yockey **Vice President**
712-294-4365 spencer@local234.org

Jose Montes **Recording Secretary**
712-420-7680 jmontes@iwlocal21.com

Craig Levine - President

PO Box 1051
Sioux City, IA, 51101
clevine@ibew231.com
(712) 202-3100

March 14, 2025

Dan Priestley

Zoning Coordinator
Office of Community & Economic Development
6220 Douglas St. Floor 6
Sioux City, IA 51101

Dear Sioux City Zoning Commission,

I hope this letter finds you well. I am writing to show our support for an important initiative in our community—the rezoning of industrial space to allow for nuclear energy production. As energy demands continue to rise and the need for a cleaner, more sustainable source of power becomes increasingly urgent, it is essential that we explore all viable options for securing our energy future. Nuclear energy, with its proven track record of providing reliable, low-carbon electricity, is a critical component of this transition.

Currently, many industrial areas are underutilized, and repurposing these spaces for nuclear energy production, including small modular reactors, presents an opportunity to drive economic growth, create jobs, and contribute to a greener energy portfolio in Woodbury County. By rezoning these areas, we can ensure that nuclear energy can be integrated into our community in a safe, environmentally responsible manner.

The benefits of nuclear energy extend far beyond just providing a reliable energy source. It can help us reduce our carbon footprint and mitigate the impacts of climate change, all while strengthening local economies through job creation, technological innovation, and new infrastructure development. Furthermore, by supporting this initiative, we would be aligning ourselves with forward-thinking policies that prioritize sustainable energy solutions for future generations.

We believe that our organization’s influence and commitment to [community/environmental issues/sustainable growth/innovation] would be a powerful voice in advocating for this rezoning

initiative. With your support, we can help ensure that the benefits of nuclear energy are realized while addressing our community's needs for economic development, energy security, and environmental responsibility.

I kindly ask for you to record our endorsement of this effort and would be happy to discuss the details further at your convenience. Together, we can take meaningful steps toward a cleaner, more sustainable energy future for our community.

Thank you for your time and consideration. I look forward to the possibility of working together to make this initiative a reality.

Sincerely,
Craig Levine - President, Northwest Iowa Building Trades

Rick Plathe - Business Manager, IBEW Local 231

Jose Montes - Business Representative, Iron Workers Local 21

John Hanson - Business Manager, Heat and Frost Insulators Local 39

Dean Bradham – Organizer, Plumber and Steamfitters UA Local 33

Spencer Yockey – Business Representative, Operating Engineers Local 234

Terry Victor - Business Representative, SMART local 3

Bob Briley - Business Manager, Bricklayers Local 3

Tom Dye – Vice President, Boilermakers Local 83

Daniel Priestley

From: Craig ANDERSON <craignan@msn.com>
Sent: Friday, May 2, 2025 2:14 PM
To: Daniel Priestley
Subject: Re: Comments Requested Nuclear Energy Facilities and Nuclear Waste Storage

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Friday, May 2, 2025 12:49 PM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: Comments Requested Nuclear Energy Facilities and Nuclear Waste Storage

Dear Woodbury County Stakeholders,

The Woodbury County Zoning Commission is continuing its review of nuclear energy facilities and nuclear waste storage, considering the potential addition of these uses to the Woodbury County Zoning Ordinance as conditional uses, specifically in areas zoned as General Industrial (GI) – (see map below). The next public hearing will be on **Wednesday, May 28 at 5:00 PM in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa.**

We value your continued input as we evaluate nuclear energy facilities and nuclear waste storage (see draft definitions below). To help us better understand your perspectives and concerns, we kindly request your feedback by responding to the following questions on or before **Friday, May 23, 2025 before 10:00 AM CDT.**

1. What specific concerns, if any, do you have regarding the safety of nuclear energy facilities or nuclear waste storage in the unincorporated areas of Woodbury County, and how do you believe these concerns could be addressed through the conditional use process? While I believe the nuclear energy and nuclear waste facilities are safe; when something goes wrong it is a very serious situation. It is very much "a not in my backyard" issue. I am not sure that the BoA, as a board of appointed citizens, have the expertise or experience or the desire to be the ones that make the conditions that satisfy all the safety concerns.
2. What potential impacts, positive or negative, do you foresee on surrounding agricultural, residential, or commercial areas if nuclear facilities and nuclear waste storage are permitted in the GI Zoning District? The positive impacts are economic; it will provide clean energy and jobs. The negative; no one wants to be the neighbor. Safety issues are high on the list of negatives. Even in the GI district; I think most of the agricultural, residential, and commercial neighbors would rather have something else. The thought of a nuclear energy mishap would have a negative effect on residential and commercial expansion.
3. How do you view the balance between energy solutions and preserving Woodbury County's agricultural and environmental priorities? Are there specific safeguards you would recommend to

maintain this balance? I think in Iowa land use should tip in favor of agricultural. Prime farmland should be preserved. Many of the so-called clean energy sources would fail without the tax credit incentives. Looking at the reactions of the citizens of this area to wind energy and the carbon pipeline, I would think that the majority would not want this industry in the county.

4. Do you have any additional comments, concerns, suggestions, or questions about nuclear energy facilities or nuclear waste storage?

Please submit your responses by **Friday, May 23, 2025 before 10:00 AM CDT** to dpriestley@woodburycountyiowa.gov. Your feedback will be shared with the Woodbury County Zoning Commission and Board of Supervisors to inform their decision-making process.

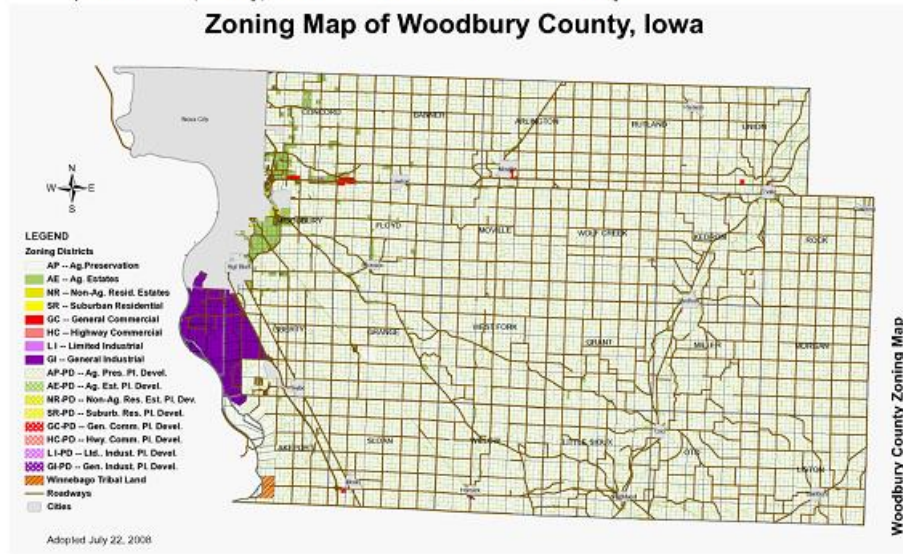
Thank you for your time and engagement in shaping the future of Woodbury County.

DRAFT DEFINITIONS:

“Nuclear energy facility” means any facility designed or used for the generation of electricity or power through nuclear fission or fusion, including nuclear reactors and associated structures, systems, or components necessary for the production of atomic energy, as well as the handling, processing, or temporary storage of nuclear materials or byproduct materials, all in compliance with federal and state regulatory requirements as administered by the Nuclear Regulatory Commission (NRC) or its duly authorized representatives.

“Nuclear waste storage” means any facility, structure, or area designated and engineered for the safe containment, isolation, or disposal of byproduct material, special nuclear material, or other radioactive materials generated from nuclear energy facilities, including temporary or permanent storage solutions, provided such storage complies with federal regulations under 10 CFR Part 50 and related parts, and is subject to oversight by the Nuclear Regulatory Commission (NRC) to protect public health, safety, and the common defense and security.

Zoning Map of Woodbury County, Iowa



Sincerely,

2

Daniel J. Priestley, MPA
Woodbury County Zoning Coordinator
620 Douglas Street #609
Sioux City, IA 51101

Phone: 712-279-6609
Fax: 712-279-6530
Website: WoodburyCountyIowa.gov



Virus-free www.avq.com

Daniel Priestley

From: Bryan Bergeon <Bryan.Bergeon@nrc.gov>
Sent: Monday, May 5, 2025 10:39 AM
To: Daniel Priestley
Subject: RE: Nuclear Energy Woodbury County Zoning

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Hi Daniel,

The **NRC is a Regulator** of civilian use of nuclear materials and does not advocate for the use thereof. There is a definitive line between what the NRC does and what other agencies do, like Department of Energy. The NRC's [Principals of Good Regulation](#) starts with independence. This means the NRC is not a consulting organization - individual applicants must offer proposed design-specific methods or design changes to meet the NRC's regulations. The NRC-approved methods by which an applicant can meet the regulations are published in [regulatory guides](#), [interim staff guidance](#), and (in limited cases) [NUREGs](#). Applicants may ask whether a design component or design-specific method meets the regulations in various ways, such as utilizing public meetings and submitting white papers for review. The NRC's response will be publicly available unless the underlying information is protected due to proprietary or other sensitive aspects governed by the regulations in 10 CFR 2.390. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/independent-regulator.html>)

The NRC's **Mission** is to protect public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment. The **NRC's regulatory mission covers three main areas:**

Reactors – Commercial reactors for generating electric power and research and test reactors used for research, testing, and training

Materials – Uses of nuclear materials in medical, industrial, and academic settings and facilities that produce nuclear fuel

Waste – Transportation, storage, and disposal of nuclear materials and waste, and decommissioning of nuclear facilities from service

The NRC accomplishes the mission through **Laws and Regulation**. New nuclear reactor licensing is a complex, multi-year process governed by both federal laws passed by the U.S. Congress and regulations developed by the NRC. The [Federal laws governing the NRC](#) generally have high-level directives for the civilian use of nuclear materials. The finer details of reactor licensing and other civilian uses are found in [Title 10 of the Code of Federal Regulations](#) (10 CFR). The NRC develops and issues these regulations for all areas under its jurisdiction. All U.S. civilian uses of materials must comply with federal laws and the regulations in 10 CFR. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/law-reg.html>)

The Nuclear Regulatory Commission (NRC) "New Applicant" web page: (<https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info.html>) is the starting point for prospective applicants. Prospective applicants should come to the NRC with a specific reactor technology, license class, regulatory approach, business model (to help correctly guide the licensing process), and a project timeline. With this information, the prospective applicant should file a letter of intent (i.e. a design). <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-guidance/pre-app-process.html>. From there, the NRC assigns a lead project manager after a potential applicant begins engaging with the agency; this person will be the main point of contact between the NRC and applicant. The project manager will guide the applicant through the regulatory process and will be there to answer questions, organize meetings, and facilitate all communications with other NRC staff. (See more on this: <https://www.nrc.gov/reactors/new-reactors/advanced/new-app/general-info/comms.html>)

The **Department of Energy's Office of Nuclear Energy** mission is to promote the domestic use of nuclear energy and supports advanced reactor developers. The DOE has a **Gateway for Accelerated Innovation in Nuclear (GAIN)**. <https://gain.inl.gov/industry-support/regulatory-support/regulatory-route-to-deployment/> This helps applicants understand the current U.S. regulatory framework for commercial reactors. The series also facilitates nuclear industry efforts to identify and address regulatory uncertainties and associated deployment risks (technical, financial, schedule). *Essentially, the DOE is who will advocate for and help potential licensees pursue projects, including even potential funding thereof.*

The **NRC also regulates waste storage**. **Low-Level waste** includes items that have become contaminated with radioactive material or have become radioactive through exposure to neutron radiation and is typically stored on-site until it can be disposed of or until amounts are large enough to ship to low-level waste processing centers. **High-level wastes** are highly radioactive materials produced as a byproduct of the reactions that occur inside nuclear reactors; spent reactor fuel and waste materials remaining after spent fuel is processed. **Commercial reprocessing** is currently not practiced in the United States, although it has been allowed in the past. The NRC regulates high level wastes in spent fuel pools and dry cask storage, at independent spent fuel storage installations (ISFSI) and consolidated interim storage facilities (CISF). Note, these CISF's are different than permanent storage facilities such as Yucca Mountain, which is under DOE jurisdiction. The **DOE, Office of Spent Fuel and High-Level Waste Disposition** and its three sub-program offices: the Office of Disposal R&D, the Office of Storage & Transportation, and the Office of Consent-Based Siting, are developing an Integrated Waste Management system for storage, transportation, and disposal of spent nuclear fuel and high-level radioactive waste. [Learn more](#). The **DOE Waste Isolation Pilot Plant (WIPP)** is the nation's only deep geologic long-lived radioactive waste repository. Located 26 miles southeast of Carlsbad, New Mexico, WIPP permanently isolates defense-generated transuranic (TRU) waste 2,150 feet underground in an ancient salt formation. (See more on this: <https://wipp.energy.gov/wipp-site.asp> and <https://www.energy.gov/ne/office-spent-fuel-and-high-level-waste-disposition>).

With regards to nuclear materials (not including nuclear waste, as discussed above), the NRC essentially turns its jurisdiction over to the states, via a program called the **Agreement State Program** <https://www.nrc.gov/agreement-states.html>. NRC provides assistance to States expressing interest in establishing programs to assume NRC regulatory authority. The NRC relinquishes to the States portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials. Iowa, for example, is an agreement state with respect to nuclear materials.

Bryan Bergeon
Acting Region III Government Liaison Officer
U.S. Nuclear Regulatory Commission
Bryan.bergeon@nrc.gov
630-829-9719 (w)
240-704-5879 (c)

From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Monday, April 28, 2025 10:53 AM
To: Bryan Bergeon <Bryan.Bergeon@nrc.gov>
Subject: [External_Sender] Nuclear Energy Woodbury County Zoning

Mr. Bergeon,

This message is a follow up from our March 25 conversation regarding nuclear energy and county level permitting as Woodbury County, Iowa is currently examining nuclear energy as a potential land use.

As noted in our conversation, we are interested in the various aspects of the NRC permitting process, including nuclear types, definitions, and potential permitting scenarios. At this time, I wanted to check and see if you have additional information that we can include in our upcoming meetings not limited to nuclear definitions and types of nuclear. Additionally, we would like more details about the relationship between federal, state, and local government

bodies as it pertains to nuclear permitting. It was my understanding that some resources would be made available to us.

Thank you for your assistance with this matter.

Respectfully and sincerely,

Daniel J. Priestley, MPA
Woodbury County Zoning Coordinator
620 Douglas Street #609
Sioux City, IA 51101

Phone: 712-279-6609
Fax: 712-279-6530
Website: WoodburyCountyIowa.gov

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Monday, June 9, 2025 8:01 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Accessory Dwelling Units and Nuclear Energy (Zoning Commission, June 23 at 5:00 PM)

Follow Up Flag: Follow up
Flag Status: Flagged

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Dan,

I have reviewed the following proposed zoning amendments for MEC electric and we have; no conflicts.

Psychology is more contagious than the flu.

Casey Meinen
Lead, Electric Distribution Engineering

Casey.meinen@midamerican.com

Phone (712-233-4831)



BOARD OF SUPERVISORS' DIRECTION

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

Date: 6/27/24 Weekly Agenda Date: 7/2/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Keith Radig

WORDING FOR AGENDA ITEM:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

This directs the Zoning Commission to look at the zoning of nuclear energy as a potential energy option in Woodbury County.

BACKGROUND:

The Zoning Commission shall explore the zoning potential of nuclear energy as a potential option.

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:

Approve the motion.

ACTION REQUIRED / PROPOSED MOTION:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

Approved by Board of Supervisors April 5, 2016.

Public Hearing Public Notifications in Newspapers:

Danbury Review – 9/18/24, 1/8/25, 2/12/25, 3/12/25, 5/14/25, 6/11/25

Moville Record – 9/18/24, 1/9/25, 2/12/25, 3/13/25, 5/15/25, 6/12/25

Sergeant Bluff Advocate – 9/12/24, 1/9/25, 1/12/25, 3/13/25, 5/15/25, 6/12/25

Sioux City Journal – 9/12/24, 1/11/25, 2/11/25, 3/13/25, 5/13/25, 6/12/25

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Orange, ss:

Kevin King, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Sep. 12, 2024

NOTICE ID: UtDJi9EI2Lg4DH520f4c
PUBLISHER ID: COL-IA-500805
NOTICE NAME: ZC_Nuclear_Rezone_9_23_2024
Publication Fee: \$74.81

Kevin King

(Signed) _____

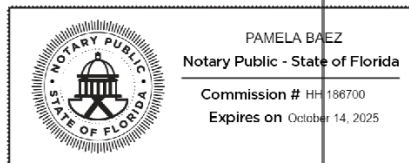
VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 09/13/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.



NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will have a public meeting and will hold public hearings on the following items hereafter described in detail on September 23, 2024 at 5:00 PM or as soon thereafter as the matters may be considered.
Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 922 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 9th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call: 712-454-1193 and enter the Conference ID: 636 266 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 9th floor, Woodbury County Courthouse, 922 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Priestley at: dnpriestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Wednesday, September 18, 2024.
Item One (1)
Nuclear Energy Facilities Zoning Ordinance Text Amendments
The Woodbury County Zoning Commission will hold a public hearing to consider Zoning Ordinance Text Amendments for the adoption of nuclear energy as land use options in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy. Precise options may include to amend the Land Use (General) Table of Allowed Uses, Section 3.23.4 by adding nuclear energy and/or nuclear energy facilities as permitted allowed uses or conditional uses in all or select Woodbury County zoning districts. Zoning Ordinance Text Amendments may also be discussed pertaining to the addition of new sections pertaining to nuclear energy, nuclear energy facilities, definitions, the renumbering and reorganization of content within the zoning ordinance.
Item Two (2)
Zoning Ordinance Map Amendment (Rezoning)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezoning) to the Woodbury County zoning ordinance and/or map for the Unincorporated Area of Woodbury County Iowa by Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1907 Carroll Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee Coyer & Renee T. Coyer (Owners), 1801 US Highway 141, Sergeant Bluff, IA 51054.
The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for a 1.14-acre portion of the property located in the NW 1/4 of the NE 1/4 of Section 26, T28N R27W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #68472620002 and is described as:
PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 28 NORTH, RANGE 27 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, IN ADDITION TO WOODBURY COUNTY, IOWA, THENCE S.0700 FEET, ALONG THE WEST LINE OF SAID LOT 1, FOR 257.10 FEET TO THE S.W. CORNER OF SAID LOT 1, THENCE N59°43'07"W, FOR 207.75 FEET, THENCE N10°11'09"W, FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4, THENCE N48°02'07"E, ALONG SAID NORTH LINE, FOR 322.55 FEET TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.
NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N48°42'30"E.
Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1907 Carroll Avenue, Sergeant Bluff, IA 51054

& Jimmie Lee Colyer & Renee T. Colyer (Owners),
1650 Old Highway 141, Sergeant Bluff, IA 51054.
Petitioner Applicant(s): Sandra K. Baker Revocable
Trust (Sandra K. Baker - Applicant), 1997 Carroll
Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee
Colyer & Renee T. Colyer (Owners), 1650 Old
Highway 141, Sergeant Bluff, IA 51054.
OOL-IA-500805

Sioux City Journal
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Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
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State of Florida, County of Broward, ss:

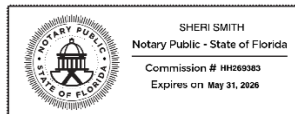
Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Jan. 11, 2025

NOTICE ID: S8SDAh6euS0RWeBuKOhc
PUBLISHER ID: COL-IA-501246
NOTICE NAME: 24-1-27_ZC_Nuclear_Dwelling_Dimension
Publication Fee: \$61.57

Rachel Cozart

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 01/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARINGS
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES
AND THE REVIEW OF THE
MINIMUM BUILDING DIMENSION
FOR SINGLE-FAMILY DETACHED
DWELLINGS IN THE WOODBURY
COUNTY ZONING ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold public hearings on the following items hereafter described in detail on January 27, 2025 at 5:00 PM or as soon thereafter as the matters may be considered.

Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call: 712-454-1133 and enter the Conference ID: 638 066 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. 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 Fri., Jan. 24, 2025.

**Item One (1)
NUCLEAR ENERGY FACILITIES
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting nuclear energy facilities, including but not limited to nuclear energy generation, modular nuclear energy systems, and other nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate Nuclear Energy Facilities as either an allowed or conditional use in all or specific zoning districts within Woodbury County. Additionally, discussions may include amendments to add new sections related to nuclear energy facilities, update definitions, and renumber and/or reorganize the content of the Zoning Ordinance as necessary.

**Item Two (2)
MINIMUM BUILDING DIMENSION FOR
SINGLE-FAMILY DETACHED DWELLINGS
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss potential changes to Section 4.11: Single-Family Detached Dwellings in the Woodbury County Zoning Ordinance. The hearing aims to gather input from the public on revising dimensional requirements for single-family dwellings, including but not limited to the regulations in Section 4.11. The review will consider whether to amend or remove Section 4.11.1, which currently states: "The main body shall have a minimum dimension of not less than 23 feet." Potential revisions may involve eliminating, reducing, modifying, or adding to the minimum dimension requirement, as well as other changes to the contents of Section 4.11 and its subsections. Amendments may also be discussed pertaining to the addition of new sections pertaining to single-family dwellings, definitions, the renumbering, and reorganization of content within the Woodbury County Zoning Ordinance.
COL-IA-501246

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Orange, ss:

Bailee Liston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Feb. 11, 2025

NOTICE ID: yNjuXD6R9qNMPencb3Xe

PUBLISHER ID: COL-IA-501389

NOTICE NAME: ZC-2025-2-24

Publication Fee: \$41.71

Bailee Liston

(Signed) _____



VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 02/18/2025

J. R. A.

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES
IN THE WOODBURY COUNTY
ZONING ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold a public hearing on the following item hereafter described in detail on February 24, 2025 at 5:00 PM or as soon thereafter as the matter may be considered.

Said public hearing will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to the matter should appear at the aforesaid public hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. 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@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Feb. 21, 2025.

Item One (1)

**NUCLEAR ENERGY FACILITIES
ZONING ORDINANCE TEXT AMENDMENT
CONSIDERATION**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting nuclear energy facilities, including but not limited to nuclear energy generation, modular nuclear energy systems, and other nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate Nuclear Energy Facilities as either an allowed or conditional use in all or specific zoning districts within Woodbury County. Additionally, discussions may include amendments to add new sections related to nuclear energy facilities, update definitions, and renumber and/or reorganize the content of the Zoning Ordinance as necessary.

COL-IA-501389

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Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

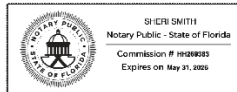
India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Mar. 13, 2025

NOTICE ID: V8vwwz7PwzxxxLzSJ6G9
PUBLISHER ID: COL-IA-501513
NOTICE NAME: ZC_3-24-25_Nuclear
Publication Fee: \$51.64

India Johnston

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 03/14/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION
REGARDING THE ADDITION OF
NUCLEAR ENERGY FACILITIES,
NUCLEAR WASTE STORAGE
AND/OR RELATED USES IN THE
WOODBURY COUNTY ZONING
ORDINANCE**

The Woodbury County Zoning Commission will have a meeting and will hold a public hearing on the following item hereafter described in detail on March 24, 2025 at 6:00 PM or as soon thereafter as the matter may be considered.

Said public hearing will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to the matter should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 638 086 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. 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 Fri., Mar. 21, 2025.

**Item One (1)
CONSIDERATION OF NUCLEAR ENERGY
FACILITIES, NUCLEAR WASTE STORAGE
AND/OR RELATED USES ZONING
ORDINANCE TEXT AMENDMENTS FOR A
RECOMMENDATION TO THE WOODBURY
COUNTY BOARD OF SUPERVISORS**

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of nuclear energy facilities, nuclear waste storage, and/or related uses as land use options in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting these facilities, including nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and other related nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate nuclear energy facilities, nuclear waste storage and/or related uses as either allowed or conditional uses in specific zoning districts such as the General Industrial (G1) Zoning District within Woodbury County. Additionally, the discussions may include amendments to add new sections related to nuclear energy facilities and nuclear waste storage and/or related uses, update definitions, renumber articles, sections, and pages, and/or reorganize the content of the Zoning Ordinance as necessary. The goal of the hearing is to gather public input and determine the appropriate way to address the potential inclusion of nuclear-related land uses in the Woodbury County Zoning Ordinance in terms of preparing a recommendation to the Woodbury County Board of Supervisors. COL-IA-501513

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

Ankit Sachdeva, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
May. 13, 2025

NOTICE ID: dkZ10Ad0Y6egfblwzYPC
PUBLISHER ID: COL-IA-501790
NOTICE NAME: ZC-2025-05-28
Publication Fee: \$117.84

Ankit Sachdeva

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: **05/20/2025**

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARINGS DURING A SPECIAL PUBLIC MEETING BEFORE THE WOODBURY COUNTY ZONING COMMISSION

The Woodbury County Zoning Commission will have a special public meeting and will hold public hearings on the following items hereafter described in detail on **Wednesday, May 28, 2025 at 5:00 PM** or as soon thereafter as the matters may be considered.

Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Winthrup County Courthouse, 4571 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 276-446-7529 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 4571 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Priestley at: djpriestley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Friday, May 23, 2025.

Item One (1)
CONSIDERATION OF NUCLEAR ENERGY FACILITIES, NUCLEAR WASTE STORAGE AND/OR RE-ENTRY USES ZONING ORDINANCE TEXT AMENDMENTS FOR A RECOMMENDATION TO THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Woodbury County Zoning Commission will hold a public hearing to discuss the potential inclusion of nuclear energy facilities, nuclear waste storage, and/or related uses as land use options in the Woodbury County Zoning Ordinance. The hearing will address various aspects of permitting these facilities, including nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and other related nuclear technologies. The Commission will consider options such as amending the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate nuclear energy facilities, nuclear waste storage and/or related uses as either allowed or conditional uses in specific zoning districts such as the General Industrial (G) Zoning District within Woodbury County. Additionally, the discussion may include amendments to add new sections related to nuclear energy facilities and nuclear waste storage and/or related uses, update definitions, enumerate annexes, sections, and pages, and/or reorganize the content of the Zoning Ordinance as necessary. The goal of the hearing is to gather public input and determine the appropriate way to address the potential inclusion of nuclear-related land uses in the Woodbury County Zoning Ordinance in terms of preparing a recommendation to the Woodbury County Board of Supervisors.

Item Two (2)
CONSIDERATION OF BORROW PITS FOR EARTHEN MATERIALS IN THE AE ZONING DISTRICT ZONING ORDINANCE TEXT AMENDMENT FOR A RECOMMENDATION TO THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Woodbury County Zoning Commission will hold a public hearing to consider a proposed amendment to Article 3, Section 3.03.4 of the Woodbury County Zoning Ordinance. The proposed amendment would revise the Land Use Summary Table of Allowed Uses to change the classification of "Borrow pits for earth materials" from a prohibited use to a conditional use in the Agriculture Estates (AE) Zoning District. Specifically, the amendment would update the table by replacing the "(prohibited)" designation with a "C" (conditional use) in the AE zoning district column for "Borrow pits for earth materials."

Item Three (3)
ZONING ORDINANCE MAP AMENDMENT (REZONE)

Pursuant to Section 535 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by New

operative, Inc., 2626 1st Ave. South, Fort Dodge, IA 50501.

The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the General Industrial (GI) Zoning District for a 12.32-acre portion of the property located in the SW ¼ of the SW ¼ of Section 29, T89N R46W (Sloan Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #66462351012 and is described as:

WIG TRACT One (1) in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-nine (29), Township Eighty-six (86) North, Range Forty-six (46) West of the Fifth Principal Meridian, Woodbury County, Iowa, more particularly described by metes and bounds as follows:

Commencing at the Southwest Corner of said Section; thence North Eighty-eight Degrees Twenty Minutes Fifty-six Seconds (N 88°20'56") East along the South line of said Section, a distance of Two Hundred feet (200.00') to the Point of Beginning; thence North Two Degrees Seventeen Minutes Thirty-eight Seconds (N 02°17'38") West, a distance of One Thousand Three Hundred Four and Forty-one Hundredths feet (1304.41') to the North line of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4); thence North Eighty-eight Degrees Fifty-two Minutes Fifty-five Seconds (N 88°52'55") East, along said North line a distance of Two Hundred Forty-eight and Three Hundredths feet (248.03') to the West line of a tract of land described in a Plat of Survey, filed in Roll 243, Image 1217 of the Woodbury County Recorder's Office, thence South Sixteen Degrees Four Minutes Three Seconds (S 16°04'03") East along said West line, a distance of Nine Hundred Twenty-five and Thirty-four Hundredths feet (925.34'); thence South Nineteen Degrees Eighteen Minutes Forty-two Seconds (S 19°18'42") East, along said West line, a distance of Four Hundred Twenty-five and Eighty-nine Hundredths feet (425.89') to the South line of said Section; thence South Eighty-eight Degrees Twenty Minutes Fifty-six Seconds (S 88°20'56") West, along the South line of said Section, a distance of Five Hundred Ninety-two and Ninety-seven Hundredths feet (592.97') to the Point of Beginning, containing an area of 12.32 acres, more or less.

Petitioner Applicant(s): New Cooperative, Inc., 2626 1st Ave. South, Fort Dodge, IA 50501.

Item Four (4)

CONSIDERATION OF PROPOSED MINOR SUBDIVISION

A PUBLIC HEARING FOR A PROPOSED MINOR SUBDIVISION: To be known as Washburn Addition, A Minor Subdivision to Woodbury County, Iowa, a three-lot minor subdivision in an 8.088-acre more or less portion of T89N R46W (Concord Township) in Section 35 in the SE ¼ of the NE ¼ on Parcel #994636200009. The property is approximately two-miles west of the City of Lawton and 3.5 miles east of Sioux City. The property is located in the Agricultural Estates (AE) Zoning District. Owner/Applicant: Michael W. Washburn and Janine J. Washburn, 1545 Dallas Ave., Lawton, IA 51030. OOL-IA-501790

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Broward, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Jun. 12, 2025

NOTICE ID: TxNstLTD2qW0kCyrF41b
PUBLISHER ID: COL-IA-501906
NOTICE NAME: ZC-6-23-25-NUCLEAR-ADUS
Publication Fee: \$65.54

Rachel Cozart

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 06/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION REGARDING THE CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS CONCERNING NUCLEAR ENERGY FACILITIES, NUCLEAR WASTE STORAGE, AND RELATED NUCLEAR USES, AND ACCESSORY DWELLING UNITS

The Woodbury County Zoning Commission will have public hearings on the following items hereafter described in detail on **Monday, June 23, 2025 at 5:00 PM** or as soon thereafter as the matters may be considered.

Said public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development (Planning and Zoning), on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call 712-456-1133 and enter the Conference ID: 638 086 5374 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. 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: dpristley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Friday, June 20, 2025.

Item One (1): CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS FOR NUCLEAR ENERGY FACILITIES, NUCLEAR WASTE STORAGE, AND RELATED USES

The Woodbury County Zoning Commission will hold a public hearing to discuss amending the Woodbury County Zoning Ordinance to address nuclear energy facilities, nuclear waste storage, and related uses. The discussion will include, but is not limited to, permitting nuclear energy generation, modular nuclear energy systems, nuclear waste storage, and related technologies. Proposed amendments may involve updating the Land Use Summary Table of Allowed Uses (Section 3.03.4) to designate these uses as allowed uses or conditional uses in specific zoning districts, such as the General Industrial (GI) Zoning District. The hearing will also address public notification requirements, including appropriate notification distances for nuclear-related meetings and hearings, and may propose adding new sections, updating definitions, renumbering articles, or reorganizing the ordinance. The purpose is to gather public input to prepare a recommendation for the Woodbury County Board of Supervisors.

Item Two (2): CONSIDERATION OF ZONING ORDINANCE TEXT AMENDMENTS FOR ACCESSORY DWELLING UNITS TO COMPLY WITH IOWA SENATE FILE 592

The Woodbury County Zoning Commission will hold a public hearing to discuss Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to ensure compliance with Iowa Senate File 592, signed into law by Governor Kim Reynolds on May 1, 2025. Senate File 592 mandates that counties allow at least one accessory dwelling unit (ADU) on the same lot as a single-family residence, subject to specific conditions, and prohibits certain restrictive regulations. The Zoning Commission will examine how to align the zoning ordinance with these requirements, including but not limited to the Land Use Summary Table of Allowed Uses (Section 3.03.4), Lot Requirements (Section 4.04), Number of Residential Structures (Section 4.04.2), and potentially other applicable sections. The hearing aims to gather public input to develop appropriate ordinance language and prepare a recommendation for the Woodbury County Board of Supervisors to ensure compliance with Iowa Senate File 592.

COL-IA-501906