



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(APRIL 5) (WEEK 14 OF 2022)

Live streaming at:
<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 rdewitt@woodburycountyiowa.gov	Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov	Jeremy Taylor 259-7910 jtaylor@woodburycountyiowa.gov	Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov	Justin Wright 899-9044 jwright@woodburycountyiowa.gov
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held April 5, 2022 at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board for speakers.

1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, please limit your remarks to **three minutes on any one item.**
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item "Citizen Concerns."
7. For the benefit of all in attendance, please turn off all cell phones and other devices while in the Board Chambers.

AGENDA

4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence

- | | |
|---------------------------|-------------|
| 1. Citizen Concerns | Information |
| 2. Approval of the agenda | Action |

Consent Agenda

Items 3 through 6 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

3. Approval of the minutes of the March 29, 2022 meeting
4. Approval of claims
5. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process

6. Secondary Roads – Mark Nahra
Approve the underground utility permit for installation of a water line in the county right of way for the City of Sioux City

End Consent Agenda

7. Secondary Roads – Mark Nahra
 - a. Approve the plans for project number L-B(M299)—73-97 Action
 - b. Approve the FY 2023 Woodbury County Secondary Road Department Budget Action
 - c. Approve the FY 2023 Woodbury County Secondary Road Department Five Year Construction Program Action

- 4:40 p.m.** 8. Community & Economic Development – Daniel Priestley
(Set time)
 - a. Public hearing on the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance Action
 - b. Approve the third and final reading of the amendment of the Text in Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance, and adopt the ordinance Action

9. Building Services – Kenny Schmitz
 - a. Approve funding in the amount of \$55,000.00 for Court Administration remodel, window blinds in Judge Hoffmeyer’s office, & Court Reporter’s office Action
 - b. Approve office location/space for Senior & Traveling Judges office Action

10. Reports on Committee Meetings Information

11. Citizen Concerns Information

12. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

MON., APR. 4	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., APR. 6	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., APR. 7	10:00 a.m.	COAD Meeting, The Security Institute
	12:00 p.m.	SIMPCO Regional Policy and Legislative Affairs Committee, Hybrid
WED., APR. 13	7:30 a.m.	SIMPCO Executive-Finance Committee, Hybrid
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	10:00 a.m.	STARComm Board Meeting, The Security Institute, WIT Campus
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
THU., APR. 14	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
FRI., APR. 15	12:00 p.m.	Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
WED., APR. 20	10:00 a.m.	Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
THU., APR. 21	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
MON., APR. 25	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
TUE., APR. 26	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., APR. 27	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
THU., APR. 28	11:00 a.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
MON., MAY 2	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., MAY 4	10:00 a.m.	Loess Hills Alliance Protection Meeting, Pisgah, Iowa
	11:00 a.m.	Loess Hills Alliance Stewardship Meeting
	1:00 p.m.	Loess Hills Alliance Executive Meeting
	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., MAY 5	10:00 a.m.	COAD Meeting, The Security Institute
WED., MAY 11	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
	6:30 p.m.	911 Service Board Meeting, Public Safety Center, Climbing Hill
	8:00 p.m.	County's Mayor Association Meeting, Public Safety Center, Climbing Hill
THU., MAY 12	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

MARCH 29, 2022 THIRTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 29, 2022 at 4:30 p.m. Board members present were Ung, Radig, De Witt, Taylor, and Wright. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget Tax/Analyst, Joshua Widman, Assistant County Attorney, Melissa Thomas, Human Services Director, and Patrick Gill, Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

2. There were no citizen concerns.
3. Motion by Radig second by Taylor to approve the agenda for March 29, 2022. Carried 5-0. Copy filed.

Motion by Taylor second by Radig to approve the following items by consent:

4. To approve minutes of the March 22, 2022 meeting. Copy filed.
5. To approve the claims totaling \$1,170,957.59. Copy filed.
- 6a. To approve Bond Counsel Engagement Agreement. Copy filed.
- 6b. To approve the sale of the County Farm and purchase agreements. Copy filed.
- 7a. To approve the separation of Aaron Tyler, Youth Worker, Juvenile Detention Dept., effective 04-06-22. Resignation. Copy filed.
- 7b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for a F/T Youth Worker, Juvenile Detention Dept. AFSCME Juvenile Detention: \$20.38/hour, and P/T Youth Worker, Juvenile Detention Dept. AFSCME Juvenile Detention: \$20.38/hour. Copy filed.
8. To approve the permit to work in the right of way for Brown's Lake area homeowners. Copy filed.

Carried 5-0.

13. Motion by Radig second by Taylor approve transfer of up to \$1,200,000 from General Basic Reserves for the Brown's Lake project, to be reimbursed by Conservation Reserve Fund over a 10-year period. Carried 5-0. Copy filed.
9. A public hearing was held at 4:35 for the sale of parcel #894727230005, 1006 Dubuque St. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by De Witt to close the public hearing. Carried 5-0.

Motion by Radig second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894727230005, 1006 Dubuque St., to Cody & Kelly Boulware, 2513 10th St., Sioux City, IA, for \$10,000.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,406**

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By Cody Boulware & Kelly M. Boulware in the sum of **Ten Thousand Dollars & 00/100 (\$10,000.00)** dollars.

For the following described real estate, To Wit:

Parcel #894727230005

Lot Five (5) in Block Nineteen (19) of Coles Addition to Sioux City, in the County of Woodbury and State of Iowa (1006 Dubuque Street)

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 29th Day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10a. A public hearing was held at 4:40 p.m. for the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Radig to close the public hearing. Carried 5-0.

10b. Motion by Radig second by De Witt to conduct the second reading of the ordinance. Carried 5-0. Copy filed.

11a. Motion by Taylor second by De Witt to approve and authorize the Chairperson to sign a Resolution ratifying, confirming, and approving publication of notice of public hearing for the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1). Carried 5-0.

RESOLUTION #13,407
RESOLUTION RATIFYING, CONFIRMING AND
APPROVING PUBLICATION OF NOTICE OF PUBLIC
HEARING FOR THE ISSUANCE OF NOT TO EXCEED
\$421,000 GENERAL OBLIGATION LOAN NOTES
(ESSENTIAL COUNTY PURPOSE #1)

WHEREAS, Woodbury County, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center; and

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$421,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s); and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before said Notes may be issued, it is necessary to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action

for the issuance of the Notes and to receive oral and/or written objections from any resident or property owner to such action; and

WHEREAS, the notice of above meeting has been published as required by Sections 331.402 and 331.443 of the Code of Iowa, as amended, and the following action is now considered to be in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. That the action of the Auditor setting a public hearing before the Board of Supervisors to meet in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:45 P.M., the 29th day of March, 2022, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for essential county purpose project(s), the proceeds of which will be used to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center, is hereby ratified, confirmed and approved.

Section 2. That the Auditor has caused publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 29th day of March, 2022.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 11b. A public hearing was held at 4:45 p.m. for the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder. The Chairperson called on anyone wishing to be heard.

Motion by De Witt second by Radig to close the public hearing. Carried 5-0.

- 11c. Motion by De Witt second by Taylor to approve and authorize the Chairperson to sign a Resolution instituting proceedings to take additional action for the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1). Carried 5-0.

**RESOLUTION #13,408
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO
EXCEED \$421,000 GENERAL OBLIGATION CAPITAL LOAN
NOTES (ESSENTIAL COUNTY PURPOSE #1)**

WHEREAS, pursuant to notice published as required by law, the Board of Supervisors has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for the essential county purposes, in order to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and following action is now considered to be in the best interests of the County and residents thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for the foregoing essential county purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 29th day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11d. Motion by Radig second by Taylor to approve and authorization the Chairperson to sign a Resolution ratifying, confirming, and approving publication of notice of public hearing the issuance not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2). Carried 5-0.

**RESOLUTION #13,409
RESOLUTION RATIFYING, CONFIRMING AND
APPROVING PUBLICATION OF NOTICE OF PUBLIC
HEARING FOR THE ISSUANCE OF NOT TO EXCEED
\$1,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES
(ESSENTIAL COUNTY PURPOSE #2)**

WHEREAS, Woodbury County, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment; and

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$1,995,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s); and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before said Notes may be issued, it is necessary to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action for the issuance of the Notes and to receive oral and/or written objections from any resident or property owner to such action; and

WHEREAS, the notice of above meeting has been published as required by Sections 331.402 and 331.443 of the Code of Iowa, as amended, and the following action is now considered to be in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. That the action of the Auditor setting a public hearing before the Board of Supervisors to meet in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:47 P.M., the 29th day of March, 2022, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose

#2), for essential county purpose project(s), the proceeds of which will be used to provide funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment, is hereby ratified, confirmed and approved.

Section 2. That the Auditor has caused publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 29th day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

11e. A public hearing was held at 4:47 p.m. for the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Radig to close the public hearing. Carried 5-0.

11f. Motion by Radig second by De Witt to approve and authorize the Chairperson to sign a Resolution instituting proceedings to take additional action for the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2). Carried 5-0.

RESOLUTION #13,410
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO
EXCEED \$1,995,000 GENERAL OBLIGATION CAPITAL
LOAN NOTES (ESSENTIAL COUNTY PURPOSE #2)

WHEREAS, pursuant to notice published as required by law, the Board of Supervisors has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), for the essential county purposes, in order to provide funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and following action is now considered to be in the best interests of the County and residents thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), for the foregoing essential county purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 29th day of March, 2022.

WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11g. Motion by Radig second by Taylor to approve and authorize the Chairperson to sign a Resolution authorizing the issuance of \$2,416,000 General Obligation Capital Loan Notes, Series 2022A, and levying a tax for the payment thereof. Carried 5-0.

RESOLUTION #13,411
RESOLUTION AUTHORIZING THE ISSUANCE OF
\$2,416,000 GENERAL OBLIGATION CAPITAL LOAN
NOTES, SERIES 2022A, AND LEVYING A TAX FOR THE
PAYMENT THEREOF

WHEREAS, Woodbury County, State of Iowa ("Issuer"), is a political subdivision, organized and existing under the Constitution and laws of the State of Iowa, and is not affected by any special legislation; and

WHEREAS, the Issuer is in need of funds to pay costs of (a) erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; (b) front windows for the public building used by District Health; (c) remodeling the data center; (d) demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; (e) peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and (f) optical scan voting system and related equipment (the "Project"), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, Series 2022A, in the amount of \$2,416,000 be issued; and

WHEREAS, the Board of Supervisors has taken such acts as are necessary to authorize issuance of the Notes.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. Authorization of the Issuance. General Obligation Capital Loan Notes, Series 2022A, in the amount of \$2,416,000 shall be issued pursuant to the provisions of Iowa Code Sections 331.402 and 331.443 for the purposes covered by the hearings.

Section 2. Levy of Annual Tax. For the purpose of providing funds to pay the principal and interest as required under Chapter 76, there is levied for each future year the following direct annual tax upon all the taxable property in Woodbury County, State of Iowa, to wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$525,278.67	2022/2023
\$515,091.20	2023/2024
\$507,118.40	2024/2025
\$499,145.60	2025/2026
\$491,172.80	2026/2027

Principal and interest coming due at any time when the proceeds of the tax on hand are insufficient to pay the amount due shall be promptly paid when due from current funds available for that purpose and reimbursement must be made.

Section 3. Amendment of Levy of Annual Tax. Based upon the terms of the future sale of the Notes to be issued, this Board will file an amendment to this Resolution ("Amended Resolution") with the County Auditor.

Section 4. Filing. A certified copy of this Resolution shall be filed with the County Auditor of County of Woodbury, State of Iowa, who shall, pursuant to Iowa Code Section 76.2, levy, assess and collect the tax in the

same manner as other taxes and, when collected, these taxes shall be used only for the purpose of paying principal and interest on the Notes.

PASSED AND APPROVED this 29th day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 12a. A public hearing was held at 4:50 p.m. to levy General Basic property tax which exceed statutory Maximum. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Radig to close the public hearing. Carried 5-0.

- 12b. A public hearing was held for proposed Fiscal Year 2023 budget. The Chairperson called on anyone wishing to be heard.

Motion by Radig second by Taylor to close the public hearing. Carried 5-0.

Motion by Radig second by Taylor to Reduce the Compensation Board recommendation by 55.55% with a supplemental payment for all percentage deputies of elected officials. The motion was removed from the table.

Motion by Taylor second by Radig to receive the memo from Auditor Gill referencing different scenarios the Board could consider in regard to the compensation board recommendations. Carried 5-0. Copy filed.

Motion by Radig second by Taylor to reduce the compensation board recommendation by 50%. Failed 2-3 on a roll call vote; De Witt, Ung and Wright were opposed.

Motion by Taylor second by Wright to reduce the compensation board recommendation by 45.5%. Carried 3-2 on a roll call vote; De Witt and Ung were opposed.

- 12c. Motion by Taylor second by Radig to approve and authorize the Chairperson to sign a Resolution approval of FY 2022/2023 Budget and Certification of Taxes. Carried 4-1; De Witt oposed.

**APPROVAL OF FY 2022/2023 BUDGET AND CERTIFICATION OF TAXES
RESOLUTION #13,412**

WHEREAS, the Woodbury County Board of Supervisors has considered the proposed FY 2022/2023 county budget and certification of taxes, and

WHEREAS, a public hearing concerning the proposed county budget was held on March 29, 2022,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Woodbury County that the county budget and certificate of taxes for FY 2022/2023 as set forth in the budget summary, is hereby adopted and that the Woodbury County Auditor is directed to file said budget and to establish accounting records in accordance with the attached schedules.

BE IT FURTHER RESOLVED that the Chairperson and the County Auditor be and are hereby authorized to sign the approved FY 2022/2023 county budget.

Signed and dated this 29th day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 14a. Motion by Radig second by De Witt approve the Emergency budget request reference air truck filtration system part. Carried 5-0. Copy filed.

- 14b. Motion by Taylor second by Radig to approve the purchase of mortuary cart for medical examiner investigation. Carried 5-0. Copy filed.

- 15a. Motion by Radig second by De Witt to award the bid for annual corrugated metal pipe purchase for 2022, project #CP-2022 to Metal Culverts Inc. for \$130,758.00. Carried 5-0. Copy filed.
- 15b. Motion by Radig second by De Witt to receive for signatures a Resolution supporting the City of Sioux City's grant application to the Iowa Department of Transportation for the Revitalize Iowa's Sound Economy (RISE) Program. Carried 5-0.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,413**

A RESOLUTION SUPPORTING THE CITY OF SIOUX CITY'S GRANT APPLICATION TO THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE REVITALIZE IOWA'S SOUND ECONOMY (RISE) PROGRAM

WHEREAS, the City of Sioux City is applying for a RISE Grant from the Iowa Department of Transportation to support the development of an immediate, non-speculative economic development opportunity in the Southbridge Business Park; and

WHEREAS, Cold Link Logistics recent announcement of the construction of a new cold storage warehouse facility in the Southbridge Business Park will create additional traffic and related issues on the local street system; and

WHEREAS, improvements to the local road infrastructure and the construction of Alicia Avenue in the Southbridge Business Park are vital to the success of the Cold Link Logistics project; and

Whereas, the roadway to be improved through the use of RISE Funds will be dedicated for public use following construction and fall within the jurisdiction of the City of Sioux City; and

WHEREAS, RISE funding is essential to the creation of 60 new jobs and \$60 million in new capital investment as proposed by the Cold Link project, and without it the project will fail.

NOW, THEREFORE, BE IT RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPPERVISORS: Woodbury County hereby endorses the City of Sioux City's plan to make such road improvements in the Southbridge Business Park on Alicia Avenue as it is essential to the success of the Cold Link Logistics project and it will strengthen the heavily used road network in the Southbridge Business Park and surrounding industrial area.

Dated this 29th day of March 2022
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 16. The Board heard reports on committee meetings.
- 17. There were no citizen concerns
- 18. Board concerns were heard.

The Board adjourned the regular meeting until April 5, 2022.

Meeting sign in sheet. Copy filed.

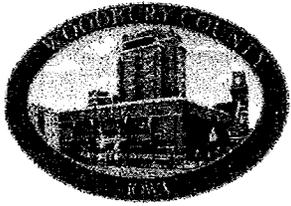
**HUMAN RESOURCES DEPARTMENT
WOODBURY COUNTY, IOWA**

DATE: April 5, 2022

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Secondary Roads	District Foreman	Wage Plan: \$68,573.62 - \$73,301.34/year		

Chairman, Board of Supervisors



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Board of Supervisors
Human Resources Department

From: Mark Nahra, Woodbury County Engineer

Date: March 30, 2022

Subject: District 2 (Merville) Maintenance Foreman Position

I am requesting that the Board authorize the replacement of John Forch, District 2 (Merville) Maintenance Foreman, who is retiring effective June 30, 2022. I would like to fill this position quickly, if a suitable applicant can be found.

Since this is not a union position, there is no internal posting requirement and the position can be immediately advertised. Applicants from inside and outside our department can be considered for this position.

Thank you for your consideration.

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

Date: 3/31/2022 Weekly Agenda Date: 4/5/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of a utility permit for installation of a water line in county right of way

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The City of Sioux City has applied for a permit to allow the installation of a new waterline in county right of way on Elk Creek Road east of Sioux City.

BACKGROUND:

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa. The county engineer has reviewed the locations and recommends that the work be allowed. The waterline is being installed in coordination with the development of the new subdivision between Old Lakeport Road and Elk Creek Road.

FINANCIAL IMPACT:

No financial impact to the county.

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:

Recommend approval of the permit for the City of Sioux City.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the underground utility permit for City of Sioux City and to direct the chair to sign the permits.

PERMIT FOR USE OF COUNTY ROAD/HIGHWAY RIGHT-OF-WAY FOR OVERHEAD AND/OR BURIED UTILITIES ACCOMMODATION

REQUEST BY APPLICANT:

Name Gordon Phair Highway Elk Creek Road
 Address Adjacent to Elk Creek Subdivision Township Woodbury
 City of Sioux City
 Office Phone 712-279-6330 Local Phone _____ Section: SW¼ of NE¼ Sec 17
 Type of Utility Installation Water Main T 88 N, R 47 W
 Plans Prepared By DGR Engineering Copy Enclosed X Yes _____ No _____
 Map Showing Location Enclosed X Yes _____ No _____
 Utility Location is _____ cross right-of-way X parallel to right-of-way
 _____ overhead X underground
 Proposed Method of Installation
 _____ tunnel _____ suspend on poles _____ cased
 _____ jack & bore _____ suspend on towers X trench
 _____ open cut _____ plow

Estimated Starting Date June 2022 Estimated Restoration Date September 2022

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions listed on the reverse side hereof, and special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof. Applicant is to complete in triplicate and send all copies including plans and maps to Woodbury County Engineer, 759 E. Frontage Road, Moxville, IA 51039. One executed copy will be returned to the Applicant.

By [Signature] Title City Engineer
 (Signature of Authorized Utility Representative) Date 3/29/2022

PERMIT APPROVAL BY PERMITTING AUTHORITY

The forgoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

By _____ Title _____
(Signature of Woodbury County Board Chairman)

Date _____

By _____ Title _____
(Signature of Woodbury County Engineer)

Date _____

Other Special Provisions:

Permit Provisions and Conditions of Issuance

- The County and/or the County Board of Supervisors will not be charged with any responsibility for damages to the Applicant's property occasioned by any construction or maintenance operations on said county roads, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the Applicant's facilities. The Board will endeavor to give the Applicant sufficient notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any facilities belonging to the Applicant, in order that the Applicant may arrange to protect the facilities. The Board will inform contractors, and others working on the job of the location of the facilities so that reasonable care may be taken to avoid damaging the facilities, however the County and the Board of Supervisors will assume no responsibility for failure to give such notice.

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

Date: 3/31/22 Weekly Agenda Date: 4/5/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consider approval of plans for project number L-B(M299)--73-97

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Plans have been completed for a bridge replacement project on Taylor Avenue, south of 220th Street and east of Anthon. The bridge will be replaced with a box culvert.

BACKGROUND:

The project will replace an aging bridge that is currently closed due to failure of substructure piling.

FINANCIAL IMPACT:

The projects are paid for with local Woodbury County secondary road funds .

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:

I recommend that the Board approve the plans for project number L-B(M299)--73-97 .

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the plans for project number L-B(M299)--73-97.

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

Date: 3/31/2022 Weekly Agenda Date: 4/5/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consider approval of Iowa DOT Budget for FY 2023

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Annually the Board of Supervisors, in consultation with the county engineer, is required to file a budget for secondary road fund expenditures with the Iowa Department of Transportation.

BACKGROUND:

The Board of Supervisors approved the county budget on March 29, 2022. The secondary road budget was approved as part of this process. The fiscal year budget is required by the Code of Iowa to be submitted to the Iowa DOT for approval.

FINANCIAL IMPACT:

This budget reports to the Iowa DOT planned expenditures and income for the secondary road department.

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:

I recommend approval of the FY 2023 Woodbury County Secondary Road Department Budget to be submitted to the Iowa DOT.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the FY 2023 Woodbury County Secondary Road Department Budget.

Iowa Department of Transportation
SECONDARY ROADS BUDGET

County: **Woodbury County**
Fiscal Year: **2023**
Version: **Original**

COUNTY CERTIFICATION

This Secondary Road Budget was adopted by the Board of Supervisors on _____

Date

ATTESTED

County Auditor

Date

County Engineer

Date

Chairperson, Board of Supervisors

Date

IOWA DOT BUDGET APPROVALS

Recommended Approval: _____
OLS Reviewer

Date

Approval: _____
Director of Local Systems

Date

SECONDARY ROADS BUDGET

		Actual Receipts Prior Years		Estimated Receipts	
		2 nd Prior	1 st Prior	Current	Next
		FY 2020	FY 2021	FY 2022	FY 2023
1. County Auditor's Beginning Balance		\$4,428,922.04	\$2,799,887.90	\$1,665,475.84	\$1,385,992.39
Receipts from Property Tax Levies	1.15368 Dollars on all taxable property in county except on property within cities and towns. (Max. \$3.00375)	\$1,450,000.00	\$1,650,000.00	\$1,610,000.00	\$1,610,000.00
	0.00000 Dollars on all taxable property in the county. (Max. \$0.16875)				
2A. Local Option Sales Tax		\$2,052,597.88	\$2,451,082.83	\$2,050,000.00	\$2,400,000.00
3. Regular Road Use Tax Received	(Doesn't include transfer of local R.U.T. to FM account for const. on FM routes)	\$5,493,629.00	\$6,093,852.27	\$5,322,088.00	\$5,520,055.00
3b. Amount for 306.4(a3)	(Senate File 451 - FM Ext. in City <=500)	\$65,401.22	\$70,415.53	\$60,223.55	\$54,244.72
3c. Time 21		\$709,616.21	\$878,892.26	\$694,159.00	\$694,851.00
4. RISE Funds		\$0.00	\$0.00	\$0.00	\$0.00
5. FA Bridge Replacement Funds		\$0.00	\$0.00	\$0.00	\$0.00
5a. SWAP Bridge Replacement Funds		\$0.00	\$515,531.05	\$750,000.00	\$0.00
6. Proposed transfer of FM funds to Local Secondary Fund.(Section 309.10)		\$0.00	\$0.00	\$0.00	\$0.00
7. Tax Refunds (-) and/or Credits (+).(Section 309.10 - Code of Iowa)		\$0.00	\$7,283.52	\$0.00	\$0.00
8. Miscellaneous Receipts <i>Donations, sale of used materials, Special Assessments, etc</i> <i>Itemized for 2023</i>	fema	\$107,699.36	\$1,074.35	\$300,000.00	\$400,000.00
	gravelPits	\$13,530.00	\$13,940.00	\$14,725.00	\$14,000.00
	licensesAndPermits	\$23,110.00	\$24,364.48	\$33,000.00	\$33,000.00
	Street Improvement (City of Salix)	\$5,031.03		\$5,031.00	\$5,031.00
	Street Improvement (City of Smithland)	\$2,307.15			\$2,307.00
	All Other	\$12,430.38	\$564,560.61	\$131,307.00	\$20,000.00
9. Total Miscellaneous Receipts		\$164,107.92	\$603,939.44	\$484,063.00	\$474,338.00
10. TOTAL RECEIPTS		\$14,364,274.27	\$15,070,884.80	\$12,636,009.39	\$12,139,481.11
11. Road Use Tax Funds or other local funds not transferred to Secondary Roads to be transferred to FM fund for construction.		0	0	\$0.00	\$0.00

SECONDARY ROADS BUDGET

	Actual Expenditures Prior Years		Estimated Expenditures	
	Prior 2	Prior 1	Current	Next
	FY 2020	FY 2021	FY 2022	FY 2023
70X * Administration and Engineering				
700 Administration Expenditures	\$258,221.97	\$264,007.59	\$322,056.00	\$327,000.00
701 Engineering Expenditures	\$916,237.08	\$845,216.23	\$896,501.00	\$948,000.00
TOTAL ADMINISTRATION AND ENGINEERING	\$1,174,459.05	\$1,109,223.82	\$1,218,557.00	\$1,275,000.00
020* Construction				
Adjusted Construction Program Expenditures (300) on FM and Local Sec. Roads <i>(With other than FM funds ---See Accomplishment Year projects)</i>	\$2,425,462.59	\$4,392,671.57	\$1,800,000.00	\$1,500,000.00
71X* Roadway Maintenance				
710 Bridges and Culverts (420, 430)	\$277,326.34	\$602,859.09	\$415,000.00	\$425,000.00
711 Roads (4250, 460, 480)	\$3,570,575.17	\$3,035,781.67	\$3,450,000.00	\$3,529,000.00
712 Snow and Ice Control (520)	\$507,983.00	\$588,914.53	\$490,000.00	\$521,000.00
713 Traffic Controls (590)	\$306,474.96	\$353,037.30	\$300,000.00	\$414,000.00
714 Road Clearing (490)	\$403,879.74	\$303,788.11	\$330,000.00	\$296,000.00
TOTAL ROADWAY MAINTENANCE	\$5,066,239.21	\$4,884,380.70	\$4,985,000.00	\$5,185,000.00
72X * General Roadway				
720 New Equipment (610)	\$860,786.00	\$1,123,348.00	\$1,042,000.00	\$1,232,000.00
721 Equipment Operations (620, 630, 650)	\$1,784,759.38	\$1,671,791.75	\$1,899,460.00	\$2,168,700.00
722 Tools, Materials and Supplies (655, 660, 670, 680, 690)	\$102,242.60	\$90,034.28	\$150,000.00	\$150,000.00
723 Real Estate and Buildings (800)	\$150,437.54	\$133,958.84	\$155,000.00	\$255,000.00
TOTAL GENERAL ROADWAY	\$2,898,225.52	\$3,019,132.87	\$3,246,460.00	\$3,805,700.00
TOTAL EXPENDITURES (70X + 020 + 71X + 72X)	\$11,564,386.37	\$13,405,408.96	\$11,250,017.00	\$11,765,700.00
County Auditor's balance at end of fiscal year	\$2,799,887.90	\$1,665,475.84	\$1,385,992.39	\$373,781.11
TOTAL (Must equal receipts) [Does not include transfer of Road Use Tax to FM Fund]	\$14,364,274.27	\$15,070,884.80	\$12,636,009.39	\$12,139,481.11

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

Date: 3/31/2022 Weekly Agenda Date: 4/5/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consider approval of FY 2023 Woodbury County Five Year Construction Program

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Annually the Board of Supervisors, in consultation with the county engineer, is required to file a five year construction program for the secondary road department.

BACKGROUND:

The county construction program lays out projects for fiscal years 2023 through 2027. The projects include federal aid, farm to market and locally funded road construction, paving, bridge and culvert projects.

FINANCIAL IMPACT:

This program reports to the Iowa DOT planned projects for the secondary road department.

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:

I recommend approval of the FY 2023 Woodbury County Secondary Road Department Five Year Construction Program to be submitted to the Iowa DOT.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the FY 2023 Woodbury County Secondary Road Department Five Year Construction Program.

SECONDARY ROADS FIVE YEAR PROGRAM

Iowa Department of Transportation
SECONDARY ROADS FIVE YEAR PROGRAM

County: **Woodbury County**
Fiscal Year: **2023**
Version: **Original**

COUNTY CERTIFICATION

The detailed construction program for the secondary road system was adopted by the Board of Supervisors on _____

Date

ATTESTED

County Auditor

Date

County Engineer

Date

Chairperson, Board of Supervisors

Date

IOWA DOT PROGRAM APPROVALS

Recommended Approval: _____

OLS Reviewer

Date

Approval: _____

Director of Local Systems

Date

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SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
FM-C097(250th St.)--55-97 D50 PCC Paving Project 12832	D50: From Hwy 31 to L27 19 / 87 / 43	40 2,340 miles	Previous	\$0 367 PCC Paving FM	Local						\$1,575
					FM	1,200					
					Special	375					
					FA						
FM-C097(143)--55-97 Grundy Aveue - K64 Extension PCC Rehabilitation 44969	PCC Rehabilitation on Grundy Avenue from 300th St. to Old Highway 141/Route D25 Project to be tied to STBG- SWAP-C097(142). 9 / 86 / 45	220 0.600 miles	Previous	\$0 367 PCC Paving FM	Local						\$600
					FM	600					
					Special						
					FA						
L-B(K103)--73-97 Bridge K103 Replacement 36171	On 210TH ST, Over WRIGHT CREEK, from County Rte L36 E 0.4 miles in Section 36 T88N R43W Replace existing bridge 36 / 88 / 43	20 0.000 miles 353391	Previous	\$0 320 Bridges Local	Local	100					\$100
					FM						
					Special						
					FA						
L-E66--73-97 E66 Bridge Replacement 36174	On 120TH ST, Over BIG WHISKEY CREEK, from Dallas Avenue East 0.5 Miles on N LINE Section 13 T89N R46W. Replace existing bridge 13 / 89 / 46	40 0.000 miles 355250	Previous	\$0 320 Bridges Local	Local	125					\$125
					FM						
					Special						
					FA						
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total	
						Year	1st	2nd	3rd	4th		
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027		
L-B(U138)--73-97 Bridge U138 29450	On K 67, Over WOLF CREEK, from 280th Street S 0.7 miles in section 1 T86N R45W 1 / 86 / 45	50 0.000 miles 350910	Previous	\$0 320 Bridges Local	Local	900						\$900
					FM							
					Special							
					FA							
					SWAP							
L-B(J178)--73-97 Jewell Ave J178 21789	On JEWELL AVE, Over WOLF CREEK, from 170th Street South 0.3 miles in S8 T88N R44W Estimated 100' x 30' CCS 8 / 88 / 44	20 0.000 miles 353490	Previous	\$0 320 Bridges Local	Local	500						\$500
					FM							
					Special							
					FA							
					SWAP							
BRS-SWAP-C097(147)--FF-97 110th Street Bridge A24 18344	D12 Over Pierson Creek 0.75 miles east of Mason Avenue in section 9, T89N, R42W 9 / 89 / 42	160 0.000 miles 354580	Previous	\$0 320 Bridges SWAP	Local						\$1,000	
					FM							
					Special							
					FA							
					SWAP	1,000						
FM-C097(D38)--55-97 D38 HMA Resurfacing 32655	On D38, from County Route K64 East 10.3 Miles to IA Hwy 31 HMA Resurfacing on D38 from Moville Blacktop to Hwy 31 1 / 87 / 45	410 10.317 miles	Previous	\$0 366 HMA Paving FM	Local						\$2,000	
					FM		2,000					
					Special							
					FA							
					SWAP							

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
L-B(K23)--73-97 Bridge K23 Replacement 18347	On 180TH ST, Over ROCK CREEK, from Lucas Ave. E 1.6 miles in Section 8 T88N R43W 8 / 88 / 43	25 0.000 miles 353260	Previous	\$0 320 Bridges Local	Local		550				\$550
					FM						
					Special						
					FA						
					SWAP						
L-B(K20)--73-97 Bridge K20 Replacement 25004	On 180TH ST, Over STREAM, from IA Hwy 31 0.1 miles in Section 11 T88N R43W 11 / 88 / 43	30 0.000 miles 353240	Previous	\$0 320 Bridges Local	Local		480				\$480
					FM						
					Special						
					FA						
					SWAP						
L-B(K19)--73-97 K19 Bridge Replacement 38730	On MICHIGAN AVE, Over STREAM, from County Road D22 S 1.6 miles in Section 10 T88N R43W 10 / 88 / 43	26 0.000 miles 353170	Previous	\$0 320 Bridges Local	Local		280				\$280
					FM						
					Special						
					FA						
					SWAP						
L-B(U155)--73-97 U155 Bridge Replacement 38731	On 325TH ST, Over STREAM, from County Route K67 E 0.1 miles in Section 25 T86N R45W Bridge replacement project - locally funded 25 / 86 / 45	47 0.000 miles 351030	Previous	\$0 320 Bridges Local	Local		350				\$350
					FM						
					Special						
					FA						
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
L-C(X116)--73-97 Culvert X116 replacement 35167	On 335TH ST, Over Unnamed stream, from Osceola Ave E 0.5 miles in Section 31 T86N R42W 31 / 86 / 42	10 0.000 miles	Previous	\$0 332 Box Culverts Local	Local		250				\$250
					FM						
					Special						
					FA						
					SWAP						
BRS-C097()-60-97 Bridge D15 replacement 44999	On County Route D12/110th St. over Muddy Creek, 0.8 miles east of Eastland Ave. in section 8 T89N R45W 8 / 89 / 45	490 0.150 miles 355116	Previous	\$0 320 Bridges FA	Local					\$1,000	
					FM		250				
					Special						
					FA		750				
					SWAP						
FM-C097(D25)--55-97 Old Hwy 141 Resurfacing 35161	On D25, from K67 Intersection Easterly 6.825 Miles to Hwy 141 intersection	450 6.825 miles	Previous	\$0 366 HMA Paving FM	Local					\$1,200	
					FM			1,200			
					Special						
					FA						
					SWAP						
BROS-C097(D42)--8J-97 120th Street Bridge Replacement D42 32653	On 120TH ST, Over MUDDY CREEK, from Eastland Ave east 0.8 Miles on NLINE S17 T89 R45 Replace existing Bridge D42 17 / 89 / 45	60 0.000 miles 355137	Previous	\$0 320 Bridges FA	Local					\$750	
					FM						
					Special						
					FA			750			
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
L-B(B110)--73-97 Bridge B110 replacement 35164	On 150TH ST, Over STREAM, from Jewell Ave E 0.3 miles in section 31 T89N R43W 31 / 89 / 43	20 0.000 miles 354900	Previous	\$0 320 Bridges Local	Local			550			\$550
					FM						
					Special						
					FA						
					SWAP						
L-C097(OLPR)--73-97 Old Lakeport Road Microsurfacing 44953	Microsurfacing on Old Lakeport Road Dead End Planned micro surfacing of existing roadway with minor patching. 17 / 88 / 47	0.150 miles	Previous	\$0 364 Bituminous Seal Coat Local	Local			50			\$50
					FM						
					Special						
					FA						
					SWAP						
L-B(N191)--73-97 Mason Avenue Bridge 37716	On MASON AVE, Over MILLER CREEK, from 270th Street South 0.25 Miles on N LINE S34 T87 R43 Bridge Replacement of N-191 120' CCS estimated 34 / 87 / 43	15 0.000 miles 351840	Previous	\$0 320 Bridges Local	Local			500			\$500
					FM						
					Special						
					FA						
					SWAP						
STP-S-C097()-5E-97 Dallas Avenue - K42 PCC Rehabilitation 45042	On Dallas Ave/K42, from K45 north approx 5 miles to the east intersection of D53/280th St.and K42. 5 / 86 / 46	210 5.000 miles	Previous	\$0 367 PCC Paving FA	Local						\$3,000
					FM			1,200			
					Special						
					FA			1,800			
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
FM-C097(K-14-10)--55-97 K-14-10 Bridge replacement 38732	On D 22, Over ROCK CREEK, from Lucas Ave E 0.2 miles Section 35 T89 R43 35 / 89 / 43	240 0.000 miles 353155	Previous	\$0 320 Bridges FM	Local						\$350
					FM			350			
					Special						
					FA						
					SWAP						
BRS-C097(P280)--60-97 Bridge P280 replacement 47210	On K 64, Over WEST FORK LITTLE SIOUX, from D54 N 0.75 miles to 230th Street S16 T87 R45 16 / 87 / 45	550 0.000 miles 352394	Previous	\$0 320 Bridges FA	Local						\$1,800
					FM			360			
					Special						
					FA			1,440			
					SWAP						
BROS-C097()-5F-97 B249-1 Bridge Replacement 36173	On L25, Over STREAM, from 120th Street north 0.50 Miles, on W LINE S7 T89N R42W Replace corp line bridge 7 / 89 / 42	270 0.000 miles 354551	Previous	\$0 320 Bridges FA	Local						\$1,000
					FM						
					Special						
					FA			1,000			
					SWAP						
L-C097(X237)--73-97 X-237 Bridge Replacement 45059	Replace bridge X-237 on Taylor Avenue 0.7 miles north of 290th Street 2 / 86 / 42	25 0.100 miles 349960	Previous	\$0 320 Bridges Local	Local			400			\$400
					FM						
					Special						
					FA						
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
L-B(B213)--73-97 Bridge B213 Replacement 36086	On LENOX AVE, Over STREAM, from 120th Street South 0.80 Miles, in SW S13 T89 R43 Replace bridge with RCB culvert 13 / 89 / 43	15 0.000 miles 354770	Previous	\$0 332 Box Culverts Local	Local				220		\$220
					FM						
					Special						
					FA						
					SWAP						
L-B(A225)--73-97 Mason Ave Bridge A225 35166	On MASON AVE, Over STREAM, from 120th St N 0.4 miles in Section 8 T89N R42W 8 / 89 / 42	10 0.000 miles 354570	Previous	\$0 320 Bridges Local	Local				550		\$550
					FM						
					Special						
					FA						
					SWAP						
FM-C097(D38)--55-97 D38 HMA resurfacing project 52212	On 2200th Street, from East City limits of Anthon E 6 miles to Safford Avenue 32 / 88 / 42	5 6.000 miles	New	\$0 366 HMA Paving FM	Local						\$1,500
					FM				1,500		
					Special						
					FA						
					SWAP						
BROS-C097(P276)--5F-97 Bridge P276 Replacement 52209	On D 54, Over WEST FORK LITTLE SIOUX, from Grundy Avenue E .2 miles to Merville Blacktop S16 T87 R45 16 / 87 / 45	409 0.000 miles 352396	New	\$0 320 Bridges FA	Local						\$1,800
					FM				360		
					Special						
					FA				1,440		
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Project Number Project Name Project ID	Location Description of Work Section / Township / Range	AADT Length Federal ID	Status FM Transfer	Day Labor Type of Work Project Type	Fund	Accomp	Priority Years				Total
						Year	1st	2nd	3rd	4th	
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	
L-B(Q18)--73-97 Bridge Q18 Replacement 52210	On 220TH ST, Over FARMERS DITCH, from Carroll Avenue E 1.4 miles to Dallas Avenue 6 / 87 / 46	29 0.000 miles 352520	New	\$0 320 Bridges Local	Local					800	\$800
					FM						
					Special						
					FA						
L-C(M184)--73-97 Bridge M184 Replacement 52211	On POCAHONTAS AVE, Over STREAM, from 220th Street S .05 miles to 230th Street S5 T87 R42 5 / 87 / 42	14 0.000 miles 351270	New	\$0 320 Bridges Local	Local					500	\$500
					FM						
					Special						
					FA						
L-B(A208)--73-97 Bridge A208 Replacement 52215	On MICHIGAN AVE, Over STREAM, from 130th Street SE 1.9 miles to 150th Street S28 T89 R42 28 / 89 / 42	24 0.000 miles 354681	New	\$0 320 Bridges Local	Local					500	\$500
					FM						
					Special						
					FA						
L-ROW--73-97 Southbridge Interchange ROW Acquisition 50982	On I 29 N, Over I-29, from Port Neal Road E 1.25 miles to Old Hwy 75 8 / 87 / 47	38 1.270 miles	New	\$0 311 Right of way Local	Local						\$2,000
					FM						
					Special				2,000		
					FA						
					SWAP						

SECONDARY ROADS FIVE YEAR PROGRAM

Paving Point Computations

Local or FM Route	Project Number	Location	Type of Work	Year	Road Type	AADT	Pavement Proximity	Trucks	Bonus	Total
FM	FM-C097(250th St.)—55-97 Public Hearing: 10/4/2018	D50: From Hwy 31 to L27	367 PCC Paving	2023	20	14	11	15	0	60

SECONDARY ROADS FIVE YEAR PROGRAM

Fund	2023	2024	2025	2026	2027
SWAP	\$1,000,000	\$0	\$0	\$0	\$0
FM	\$1,800,000	\$2,250,000	\$2,400,000	\$710,000	\$1,860,000
Local	\$1,625,000	\$1,910,000	\$1,100,000	\$1,170,000	\$1,800,000
FA	\$0	\$750,000	\$2,550,000	\$2,440,000	\$1,440,000
Special	\$375,000	\$0	\$0	\$0	\$2,000,000

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

Date: 3/31/22

Weekly Agenda Date: 4/5/22 4:40

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

WORDING FOR AGENDA ITEM:

A) Public Hearing on the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance. B) Approval of the 3rd and Final Reading of the Ordinance and Adopt the Ordinance

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board will hold a public hearing on 4/5/22 at 4:40 PM to discuss a proposed amendment to the Zoning Ordinance.

Following the public hearing, the Board may defer consideration of the matter for further study; or reject the proposed ordinance text amendment; or adopt the ordinance to amend the text of Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance.

BACKGROUND:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

As of March 30, 2022 one inquiry about the proposed ordinance amendment was received. No comments of opposition have been received.

Staff recommends approval of the amendment as proposed.

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:

Open and close the public hearing. (Set time 4:40 PM)

Conduct the 3rd and final reading of the ordinance, and adopt the ordinance.

ACTION REQUIRED / PROPOSED MOTION:

Motion to open the public hearing.
Motion to close the public hearing.
Motion to approve the third and final reading of the amendment of the Text in Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance, and adopt the ordinance.



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

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

FINAL REPORT – March 30, 2022

ZONING ORDINANCE TEXT AMENDMENT PROPOSAL

Section 5.03: FLOODPLAIN MANAGEMENT ORDINANCE

BACKGROUND, ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

Staff recommends approval of the amendment as proposed.

PUBLIC COMMENTS:

On Friday, March 25, 2022, Chad Barthman, ROW/Inspection/Safety Coordinator from NIPCO, inquired about draft floodplain maps and what the new ordinance would do for their organization.

<p>From: Chad Barthman <cbarthman@nipco.coop> Sent: Friday, March 25, 2022 3:19 PM To: Daniel Priestley <dpriestley@woodburycountyiowa.gov> Subject: FW: Zoning Ordinance Text Amendment Floodplain Ordinance Public Hearings</p> <p>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.</p> <p>Good dan Daniel, I am looking at this map and looking over the subs in the floodplain. Looks like we may have 2 subs and 2 switches that would be close or under water. What does this mean to NIPCO? Do this effect insurance or? Attached are the photos of the switches or subs that would be effected using the link you sent up in the email. https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/ Not sure what to do with this information? Can you just give me a quick explanation on what the new ordinance would do for NIPCO? Thank you</p> <p>Chad Barthman ROW/Inspection/Safety Coordinator 712-540-0285 Cell 712-546-3504 Office cbarthman@nipco.coop www.nipco.coop</p>	<p>From: Daniel Priestley Sent: Friday, March 25, 2022 4:21 PM To: Chad Barthman Subject: RE: Zoning Ordinance Text Amendment Floodplain Ordinance Public Hearings Attachments: Floodplain_Ordinance_Comparison.pdf</p> <p>Chad,</p> <p>This message is a follow-up from our conversation on March 25, 2022. As discussed, the proposed draft floodplain management ordinance amendment to the zoning ordinance does not change the current effective floodplain maps for Woodbury County. The existing floodplain footprint will remain the same regardless of the proposed draft floodplain management ordinance's passage. There are neighboring counties that are presently changing or have changed their effective maps but Woodbury County's floodplain map change has been delayed by the federal government and the Iowa DNR until around January of 2024.</p> <p>As a delegated community that manages permitting on behalf of the Iowa DNR, we are expected to operate under a floodplain management ordinance that meets the federal guidelines for membership in FEMA's National Flood Insurance Program (NFIP). Any ordinance that the county passes, in terms of regulating the floodplain must first be approved by the IDNR to ensure that federal guidelines are met. The IDNR has directly provided and approved this new draft floodplain management ordinance. The county does not have much latitude as it pertains to the floodplain regulations as the county must keep our membership in the NFIP in good standing. Notable differences between the two ordinances is the requirement that accessory structures that are 600 SF or greater in size must be elevated and floodproofed at least one-foot above the base flood elevation (BFE). Additionally, grain bins must be elevated/floodproofed as they contain items of significant value. Also, conditional use regulations have been removed where under the draft proposal, floodplain development permits can be administratively approved as long as the floodplain elevation/floodproofing requirements are being met. Overall, the regulations in the ordinance remain consistent with the previous language. The IDNR did rearrange the order of the ordinance beginning with definitions, added some definitions/clarifications, and rephrased some terms such as "100-Year Flood" vs. "base flood elevation" and "uses" vs "development". As discussed, I encourage you to review the side-by-side comparison (see attached).</p> <p>Please let me know if you have questions or concerns.</p> <p>Respectfully,</p> <p>----- Daniel Priestley, Zoning Coordinator Community & Economic Development Woodbury County Courthouse 620 Douglas Street 6th Floor, Sioux City, IA 51101 Office: (712) 279-6609 Fax: (712) 279-6530 Email: dpriestley@woodburycountyiowa.gov Web: www.WoodburyCountyCED.com</p>
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SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT: Floodplain Management Ordinance. A proposal to amend the text of the Woodbury County Zoning Ordinance to repeal and replace Section 5.03: Floodplain Management Ordinance with a revised Floodplain Management Ordinance. The ordinance establishes floodplain zoning overlay districts for the flood hazard areas within the unincorporated area of Woodbury County as identified by the flood insurance study and regulates development only in those floodplain zones. This ordinance establishes a development permit system which requires a permit for all development within the floodplain zones. The proposed ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program as required by the Federal Emergency Management Agency. Specific floodplain management criteria are set forth in Section 60.3(d) of the rules and regulations as published in the October 1, 1994, Federal Register. This ordinance is a special-purpose zoning ordinance established under authority of Chapter 335 of the Iowa Code. Violations of the provision of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as it is necessary to prevent or remedy violation.

PUBLICATION:

Publication of the public hearing dates and times before the Woodbury County Board of Supervisors was placed in the public notices sections of the following papers: Danbury Review (March 16, 2022); Merville Record (March 17, 2022); Sergeant Bluff Advocate (March 17, 2022); and the Sioux City Journal (March 17, 2022).

ZONING COMMISSION MINUTES – MAY 24, 2021

Minutes - Woodbury County Zoning Commission Meeting – May 24, 2021

The Zoning Commission (ZC) meeting convened on the 24th of May 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeffrey O'Tool
County Staff Present: David Gleiser, Dan Priestley
Public Present: Joshua Watson, Agent of US Cellular (USC)

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:02 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 4/26/21 minutes were approved. Motion to approve: O'Tool. Second: Parker. Vote: 5-0.

Public Hearing on Floodplain Management Ordinance Proposal

Director Gleiser read the summary of zoning ordinance text amendment into the record and provided a chronological timeline of the county's work with the floodplain management ordinance. The Commission recognized reviewing the ordinance at 5 of their previous public meetings and during their current public hearing. Throughout the Commission's review of the ordinance, there has been unanimous consensus on adopting the least restrictive criteria possible. As proposed, the ordinance complies with both federal and state regulations. Motion to recommend approval of the ordinance as proposed to the Board of Supervisors: Parker. Second: Bride. Motion passed: 5-0.

Conditional Use Permit (CUP) – Cellular Tower Proposal

Director Gleiser read the preliminary report and staff recommendation into the record. Gleiser noted the application was complete, thorough, and adequately met the criteria to be issued a CUP. Joshua Watson, representative agent of USC was present and addressed the Commission's general questions relating the CUP application. Coordinator Priestley stated that since the printing/distribution of the meeting packet, Northern Natural Gas (NNG) was the only entity to contact the CED office regarding the project. NNG stated they have no issues with the project. Motion to recommend approval of the CUP application the Board of Adjustment: O'Tool. Second: Parker. Motion passed: 5-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Motion to adjourn: Parker. Second: Meister. Motion passed: 5-0. Meeting adjourned at 6:22 PM.

ZONING COMMISSION DRAFT MINUTES – FEBRUARY 28, 2022

Minutes - Woodbury County Zoning Commission Meeting – February 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of February at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Gwendolyn Hodges (teleconference), Craig Beedle (teleconference)

Call to Order

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

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 1/24/22 minutes were approved. Motion to approve: Bride. Second: Meister. Motion approved 3-0 with 1 Abstention: O'Tool.

Public Hearing: Infinite View Addition Minor Subdivision Proposal

Priestley read the staff report into the record. Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). The applicant received the Base Flood Elevation (BFE) determination from the Iowa DNR and that data will be subsequently recorded in the Woodbury County Recorder's office (Lot 1: 1083.7 FT; Lot 2: 1084.2 FT; Lot 3: 1084.3 FT). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Bride inquired if the well and septic were contained on Lot 1. Priestley stated that according to the surveyor, they are contained on the lot. Motion to close the public hearing: O'Tool. Second: Meister. Motion approved. 4-0. Motion to recommend approval of the Infinite View Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Rules of Procedure for Zoning Commission Adoption

Priestley presented the Zoning Commission Rules of Procedure that were formally approved by the Woodbury County Board of Supervisors on February 8, 2022. Motion to adopt: Meister. Second: O'Tool. Motion approved 4-0.

Draft Floodplain Ordinance Update

Priestley offered an update about the status of the draft floodplain development ordinance that was recommended for approval to the Board of Supervisors by the Zoning Commission on May 24, 2021. The approval process was placed on hold during the summer of 2021. The Iowa Department of Natural Resources (IDNR) reviewed the ordinance draft on June 1, 2021 and February 17, 2022 and provided approval with some minor adjustments for clarification and formatting. The IDNR revisions were presented to Zoning Commission for their review and recommendation to the Board of Supervisors. Motion to accept the IDNR changes and recommend approval of the draft floodplain ordinance to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the approval of the draft floodplain maps are being delayed by FEMA due to an issue with the proposed panel numbers. The draft floodplain maps are the same. The FEMA public notice process will likely begin again around July of 2022 and the maps could likely be adopted in February of 2024.

Adjourn

Motion to adjourn: O'Tool. Second: Meister. Motion approved 4-0. Meeting adjourned at 6:30 PM.

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SECTION 5.03 ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE" WITH A REVISED "FLOODPLAIN MANAGEMENT ORDINANCE" THAT MEETS THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

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

Amendment #1 –

Beginning on page 56: remove Section 5.03: Floodplain Management Ordinance and replace with the following:

Section 5.03: Floodplain Management Ordinance

1. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- F. Enclosed Area Below Lowest Floor** – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 5.03-7 B(4)(a) of this Ordinance, and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - (4) The enclosed area is not a "basement" as defined in this section.

- G. Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- I. Expansion Of Existing Factory-Built Home Park Or SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home** - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park Or Subdivision** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood** – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- N. Flood Insurance Rate Map (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- O. Flood Insurance Study (FIS)** – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain** - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- S. Floodway** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe** - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- V. Historic Structure** - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. Minor Projects - Small development activities (except for filling, grading and excavating) valued at less than \$500.

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

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

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (3) Basement sealing;
- (4) Repairing or replacing damaged or broken window panes;
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

EE. Start Of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

FF. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
- (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.

JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

2. Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

- (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

- (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
- (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. **Statement of Purpose.** It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5.03-2.B(1) of this Ordinance with provisions designed to:

- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - (i) Development placed within the Floodway (Overlay) District results in any of the following:
 - (1) An increase in the Base Flood Elevations, or
 - (2) Alteration to the floodway boundary
 - (ii) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - (iii) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (j) Perform site inspections to ensure compliance with the standards of this Ordinance.
- (k) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes..
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the base flood.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

5. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
- B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;

- C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
- D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

6. Floodway (Overlay) District (FW)

A. Permitted Uses

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All development within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) Structures, if permitted, shall have low flood damage potential and shall not be for human habitation.
- (6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All development shall:

- (a) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.

(4) All new and substantially improved structures:

- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - (d) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- (5) Factory-built homes:
- (a) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
 - (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- (6) Utility and Sanitary Systems:
- (a) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

(11) Accessory Structures to Residential Uses

- (a) 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
- (i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) f. The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual

chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8. General Floodplain (Overlay) District (GF)

A. Permitted Uses

(1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District. .

(2) Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
- (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

B. Performance Standards

(1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.

(2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

9. Shallow Flooding (Overlay) District (SF)

A. Permitted Uses. All development within the Shallow Flooding District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

(2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

- (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- C. Hearings and Decisions of the Board of Adjustment
 - (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the

Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.

- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.
- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

13. Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

ADOPTED AND PASSED by the Board of Supervisors of Woodbury County, Iowa

Dated this ____ day of _____ 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

ATTEST

Patrick F. Gill, Woodbury County Auditor

Adoption Timeline

Public Hearing & 1st Reading:

2nd Reading:

3rd Reading:

Adopted:

Effective:

CURRENT - EFFECTIVE ORDINANCE

8. Standards for off-premise advertising signs.

A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 add'l. sq.ft. per 1' add'l separation up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

SUPPLEMENTAL REQUIREMENTS

- C. **Statement of Purpose.** It is the purpose of this Section 5.03 (referred to as “this Ordinance” within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1.B(1) of this Ordinance with provisions designed to:
- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated June 17, 1991 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provi-

SUPPLEMENTAL REQUIREMENTS

sion of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway District (FW),
- B. Floodway Fringe District (FF),
- C. General Floodplain District (FP),
- D. Shallow Flooding District (SF) and
- E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

SUPPLEMENTAL REQUIREMENTS

hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (2) All uses within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
 - (e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

SUPPLEMENTAL REQUIREMENTS

- (g) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (h) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (j) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

5. Floodway Fringe (Overlay) District FF

- A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
- B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.
 - (1) All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
 - (3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) ele-

SUPPLEMENTAL REQUIREMENTS

vated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

- (4) All new and substantially improved structures:
- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Factory-built homes:
- (a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - (b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may in-

SUPPLEMENTAL REQUIREMENTS

clude, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (6) Utility and Sanitary Systems:
 - (a) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-

SUPPLEMENTAL REQUIREMENTS

year flood elevation data for those areas located within the Floodplain (Overlay) District.

(11) Accessory Structures

- (a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
- (b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of

SUPPLEMENTAL REQUIREMENTS

structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
- (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

- (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

SUPPLEMENTAL REQUIREMENTS

tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (2) All uses within the DI District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
 - (e) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the DI District within the time available after flood warning.
 - (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

SUPPLEMENTAL REQUIREMENTS

- (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.
- B. Floodplain Development Permit
- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
 - (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
 - (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.

SUPPLEMENTAL REQUIREMENTS

- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels

SUPPLEMENTAL REQUIREMENTS

shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- (5) Hearings and Decisions of the Board of Adjustment
- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
 - (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

SUPPLEMENTAL REQUIREMENTS

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the County.
 - The requirements of the facility for a floodplain location.
 - The availability of alternative locations not subject to flooding for the proposed use.
 - The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - Such other factors which are relevant to the purpose of this Ordinance.
- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise,

SUPPLEMENTAL REQUIREMENTS

hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be

SUPPLEMENTAL REQUIREMENTS

interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Existing Construction - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. Existing Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- K. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, in-

SUPPLEMENTAL REQUIREMENTS

- cluding but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- Q. Historic Structure - Any structure that is:
- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
- R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - (4) The enclosed area is not a "basement" as defined in this subsection.

SUPPLEMENTAL REQUIREMENTS

- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
- U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- V. Recreational Vehicle - A vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. Start of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SUPPLEMENTAL REQUIREMENTS

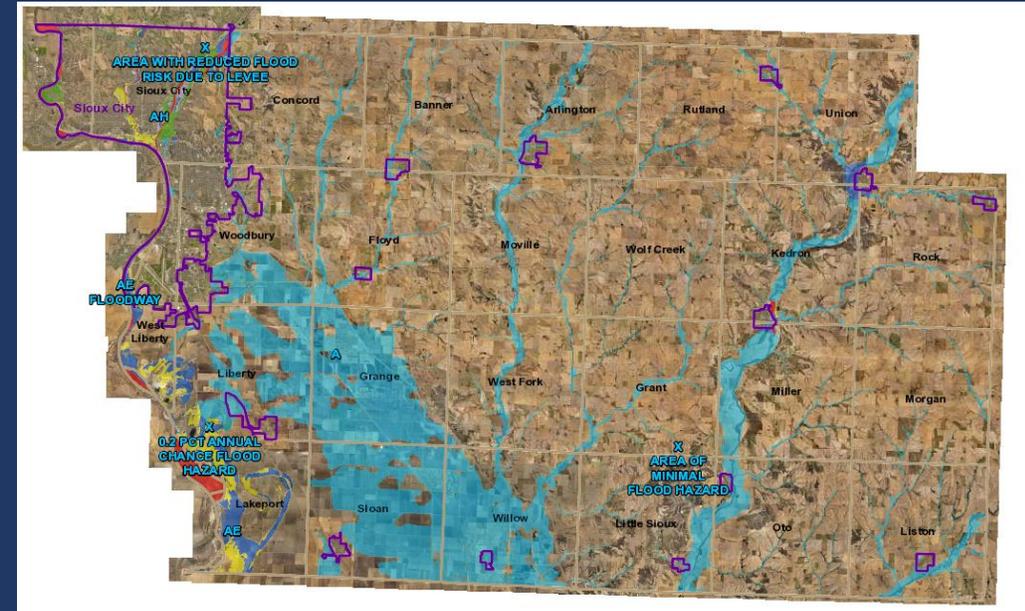
- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

Section 5.04: Adult Use Regulations

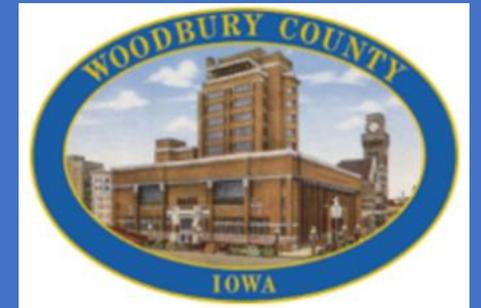
1. **Applicability.** The regulations in this section apply to adult uses as allowed in Section 3.03-4 (i.e., as allowed uses in the GI, General Industrial Zoning District) and hereby establish specific locational and development requirements intended to minimize potential negative secondary effects of those adult uses.
2. **Locational requirements.** No adult use shall be established less than 1000 feet from any of the following:
 - A. Any other adult use.
 - B. Residentially zoned or used property.
 - C. Public parks or recreational areas.
 - D. A church or similar place of religious worship or study.
 - E. A public or private elementary or secondary school.
 - F. A library, museum or other cultural facility.

Floodplain Management Ordinance Comparison

Current vs. Draft Ordinance



The following slides illustrate a side-by-side comparison of the current floodplain management ordinance and the proposed draft ordinance.



CURRENT ORDINANCE

1	Statutory Authority, Findings of Fact and Purpose
2	General Provisions
3	Establishment of Zoning (Overlay) Districts
4	Floodway (Overlay) District (FW)
5	Floodway Fringe (Overlay) District FF
6	General Floodplain (Overlay) District FP
7	Shallow Flooding (Overlay) District (SF)
8	Dam Failure Inundation (Overlay) District (DI)
9	Administration
10	Nonconforming Uses
11	Penalties for Violation
12	Amendments
13	Definitions

DRAFT ORDINANCE

1	Definitions
2	Statutory Authority, Findings of Fact and Purpose
3	General Provisions
4	Administration
5	Establishment of Zoning (Overlay) Districts
6	Floodway (Overlay) District (FW)
7	Floodway Fringe (Overlay) District FF
8	General Floodplain (Overlay) District FP
9	Shallow Flooding (Overlay) District (SF)
10	Appointment and Duties of Board of Adjustment
11	Nonconforming Uses
12	Penalties for Violation
13	Amendments

The following slides provide a comparison of the current floodplain ordinance and the proposed draft floodplain ordinance. Any highlighted areas include the addition, revision, and/or content that must be present in the local ordinance to meet federal guidelines.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. **Development** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. **Existing Factory-Built Home Park or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

PROPOSED ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. **Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. **Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. **Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- F. **Enclosed Area Below Lowest Floor** – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 5.03-7 B(4)(a) of this Ordinance, and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - (4) The enclosed area is not a "basement" as defined in this section.
- G. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. **Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.



Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- K. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- O. Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

PROPOSED ORDINANCE – 5.03.1

- I. Expansion Of Existing Factory-Built Home Park ~~Or~~ SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park ~~Or~~ Subdivision - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- N. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- O. Flood Insurance Study (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- S. Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

Q. Historic Structure - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance and
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- (4) The enclosed area is not a "basement" as defined in this subsection.
- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

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

U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

PROPOSED ORDINANCE – 5.03.1

V. Historic Structure - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. Minor Projects - Small development activities (except for filling, grading and excavating) valued at less than \$500.

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

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

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- V. Recreational Vehicle - A vehicle which is:
- (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. Start of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

PROPOSED ORDINANCE – 5.03.1

- CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - (3) Basement sealing;
 - (4) Repairing or replacing damaged or broken window panes;
 - (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
- EE. Start Of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- FF. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
- GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

PROPOSED ORDINANCE – 5.03.1

- HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.



Statutory Authority, Findings of Fact and Purpose (5.03.2)

CURRENT ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and
 - (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Section 5.03 (referred to as "this Ordinance" within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

PROPOSED ORDINANCE – 5.03.2

2. Statutory Authority, Findings of Fact and Purpose

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5.03-2.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

General Provisions (5.03.3)

CURRENT ORDINANCE – 5.03.2

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated September 29, 2011 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

PROPOSED ORDINANCE – 5.03.3

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

CURRENT ORDINANCE – 5.03.9

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

PROPOSED ORDINANCE – 5.03.4

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved **structures** or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) **Maintain the accuracy of the community's Flood Insurance Rate Maps when:**
 - (i) **Development placed within the Floodway (Overlay) District results in any of the following:**
 - (1) **An increase in the Base Flood Elevations, or**
 - (2) **Alteration to the floodway boundary**
 - (ii) **Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or**
 - (iii) **Development relocates or alters the channel.****Within 6 months of the completion of the development, the applicant shall submit to FEMA a scientific and technical data necessary for a Letter of Map Revision.**
 - (j) **Perform site inspections to ensure compliance with the standards of this Ordinance.**
 - (k) **Forward all requests for Variances to the Board of Adjustment for consideration. Ensure requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.**

CURRENT ORDINANCE – 5.03.9

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

PROPOSED ORDINANCE – 5.03.4

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, **storage of materials and equipment**, excavation or drilling operations), including the placement of factory-built homes.
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions**
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the **base flood**.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For **structures** being improved or rebuilt, the estimated cost of improvements and market value of the **structure** prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, **structure** floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

Establishment of Zoning (Overlay) Districts (5.03.5)



CURRENT ORDINANCE – 5.03.3

3. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:
- A. Floodway District (FW),
 - B. Floodway Fringe District (FF),
 - C. General Floodplain District (FP),
 - D. Shallow Flooding District (SF) and
 - E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

PROPOSED ORDINANCE – 5.03.5

5. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:
- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
 - B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;
 - C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
 - D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.



Floodway (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.4

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

PROPOSED ORDINANCE – 5.03.6

6. Floodway (Overlay) District (FW)

A. Permitted Uses

All **development** within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No **development** shall be permitted in the Floodway District that would result in any increase in the **base flood elevation**. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All **development** within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No **development** shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, **recreational vehicles**, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) **Structures**, if permitted, shall have low flood damage potential and shall not be for human habitation.
- (6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.



CURRENT ORDINANCE – 5.03.4

- (2) All uses within the Floodway District shall:
- (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
 - (e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.
 - (g) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - (h) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
 - (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - (j) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

PROPOSED ORDINANCE – 5.03.6

See previous page. Conditional Uses Section removed.

Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

5. Floodway Fringe (Overlay) District FF

A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

(1) All structures shall:

- (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

(3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

PROPOSED ORDINANCE – 5.03.6

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All **development** within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All **development** must be consistent with the need to minimize flood damage and meet the following applicable performance standards. **Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot.** The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All **development** shall:

- (a) Be **designed and adequately** anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) **Residential structures** - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the **base flood elevation**. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the **base flood elevation** and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or **extended foundations**) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) **Non-residential structures** - All new or substantially improved non-residential **structures** shall have the lowest floor (including basement) elevated a minimum of one (1) foot above **the base flood elevation**, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the **base flood elevation** is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

(4) All new and substantially improved structures:

- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) Factory-built homes:

- (a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
- (b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

PROPOSED ORDINANCE – 5.03.6

(4) All new and substantially improved structures:

- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(c) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(d) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

(5) Factory-built homes:

- (a) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.**
- (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.**



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

- (6) Utility and Sanitary Systems:
- (a) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

PROPOSED ORDINANCE – 5.03.6

- (6) Utility and Sanitary Systems:
- (a) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the **base flood elevation**.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the **base flood elevation**.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the **base flood** with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the **base flood**. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include **base flood elevation** data for those areas located within the Floodway Fringe (Overlay) District.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

(11) Accessory Structures

- (a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
- (b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

PROPOSED ORDINANCE – 5.03.6

(11) Accessory Structures to Residential Uses

- (a) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the **base flood elevation** requirements where the following criteria are satisfied:
 - (i) **The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.**
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.



CURRENT ORDINANCE – 5.03.5

Added Section →

PROPOSED ORDINANCE – 5.03.6

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

General Floodplain (Overlay) District (5.03.8)

CURRENT ORDINANCE – 5.03.6

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

PROPOSED ORDINANCE – 5.03.8

8. General Floodplain (Overlay) District (GF)

- A. Permitted Uses
- (1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
 - (2) Any **development** which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
 - (3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
 - (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.
- B. Performance Standards
- (1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.
 - (2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

CONDITIONAL USES SECTION REMOVED



Shallow Flooding (Overlay) District (5.03.9)

CURRENT ORDINANCE – 5.03.7

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
 - (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

PROPOSED ORDINANCE – 5.03.9

9. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All **development** within the Shallow Flooding District shall be permitted to the extent that **it is** not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
 - (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.
 - (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.



Dam Failure Inundation (Overlay) District REMOVED

CURRENT ORDINANCE – 5.03.8

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) All uses within the DI District shall:

- (a) Be consistent with the need to minimize flood damage.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.
- (d) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
- (e) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the DI District within the time available after flood warning.
- (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

PROPOSED ORDINANCE – NONE

Dam Failure Inundation (Overlay) District Removed from draft ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE – 5.03.9(C)

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

PROPOSED ORDINANCE – 5.03.10

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

(5) Hearings and Decisions of the Board of Adjustment

- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
 - (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the County.
- The requirements of the facility for a floodplain location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- The safety of access to the property in times of flood for ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- Such other factors which are relevant to the purpose of this Ordinance.

PROPOSED ORDINANCE 5.03.10

C. Hearings and Decisions of the Board of Adjustment

- (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.
 - (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

PROPOSED ORDINANCE – 5.03.10

- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.



Nonconforming Uses (5.03.11)

CURRENT ORDINANCE – 5.03.10

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

PROPOSED ORDINANCE – 5.03.11

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. **This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.**
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.



Penalties for Violation (5.03.12)

CURRENT ORDINANCE – 5.03.11

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

PROPOSED ORDINANCE – 5.03.12

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.



Amendments (5.03.13)

CURRENT ORDINANCE – 5.03.12

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

PROPOSED ORDINANCE – 5.03.13

13. Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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

Date: 3/30/2022

Weekly Agenda Date: 4/05/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Kenny Schmitz

WORDING FOR AGENDA ITEM:

Court Administration Office/ Judge Tott Requests

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors have requested that Building Services meet with Court Administration to establish costs associated with office 210 remodel, window blinds for Judge Hoffmeyer's and Court Reporter's Offices, and identify Courthouse space available for necessary judge's office.

Building Services cost estimate for office 210 will be approximately \$55,000.00 including carpet, paint, window blinds, drywall, security access, electrical wiring, relocation of lighting, HVAC, & fire/smoke components, blinds Judge Hoffmeyer/ Court Reporter. There would be no associated costs to provide labor for office furniture removal, file relocations, or temporary staff relocations. Office space at the Courthouse is very limited. Judge Tott has requested space on the 6th floor (where other Judges are located) necessary for senior & traveling judges.

There is one office in the basement unoccupied (Old Building Services currently under control of County Sheriff Office).

The only space that is not currently occupied on the 6th floor is the Economic Development Director's office & the conference room there. The Board is encouraged to identify & approve a replacement location for the LEC file storage area as soon as possible.

BACKGROUND:

On March 15 2022 Board meeting, Judge Tott provided information to the Board of Supervisors and requested board assistance on five items.

1. LEC/ Court Files- Identify a future storage location.
2. Court Administration Office 210 Remodel- funding for walls, paint, carpeting, electrical, blinds. Labor assistance with office furniture relocation & new case goods/ modular office partitions installations purchased by the State.
3. Offices- Request space for senior & traveling judges on the 6th Floor.
4. Judge Hoffmeyer & Court Reporter's Offices- funding & installation of window blinds.
5. Parking- Parking spaces for judges.

FINANCIAL IMPACT:

\$55,000.00 (Estimated)

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:

Motion to approve funding in the amount of \$55,000.00 for Court Administration 210 Remodel.
Motion to approve office space for senior & traveling judge's offices.

ACTION REQUIRED / PROPOSED MOTION:

- A. Motion to approve funding in the amount of \$55,000.00 for Court Administration remodel, window blinds in Judge Hoffmeyer's office, & Court Reporter's office.
- B. Motion to approve office location/ space for Senior & Traveling Judges offices.