

## Minutes - Woodbury County Zoning Commission – September 23, 2024

The Zoning Commission (ZC) meeting was held on September 23, 2024 at 5:00 PM in the Board of Supervisors' meeting room, located in the basement of the Woodbury County Courthouse at 620 Douglas Street, Sioux City, IA. The meeting was also accessible via teleconference.

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### Meeting Audio:

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

- County Website Link:
  - o [https://www.woodburycountyiowa.gov/committees/zoning\\_commission/](https://www.woodburycountyiowa.gov/committees/zoning_commission/)
- YouTube Direct Link:
  - o <https://www.youtube.com/watch?v=1mQWufHt3x0>

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### ZC Members Present:

Corey Meister, Chris Zellmer Zant, Tom Bride, Jeff Hanson

### County Staff Present:

Dan Priestley, Dawn Norton

### Public Present:

Dan Bittinger, Andy Bobrytzke, Joel Vos, Elbert Baker, Kathy Tabke, Brad Tabke, Jimmie Colyer

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### CALL TO ORDER:

Chair Chris Zant called the meeting to order at 5:00 p.m. Barb Parker was absent.

### PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

Priestley presented material about grain bins received from MidAmerican Energy. Bride made a motion to accept the material into the record, which Hanson seconded. The motion passed 4-0. See appendix.

### APPROVAL OF MINUTES:

Bride and Hanson were absent at the previous meeting and abstained from the vote. Bride moved to defer the approval of the August 26, 2024 minutes, with Meister seconding. The motion passed 4-0.

### PUBLIC HEARING (ACTION ITEM): ZONING MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO AGRICULTURAL ESTATES (AE) ZONING DISTRICT (PARCEL #884726200002):

Priestley read the staff report into the record. The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) submitted an application to rezone a 1.14-acre portion of property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. This portion will be combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the land to be conveyed to the Sandra K. Baker Revocable Trust. This triangular 1.14-acre portion is not eligible for development as a standalone lot, as it does not meet the requirements of the Zoning and Subdivision Ordinance. In the purchase agreement, Baker acknowledges that the property being acquired is "not a legal lot for building purposes" and must be combined with the adjacent parcel, Lot One (1) of Baker's Acres. The rezoning is requested to match the zoning of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal was properly noticed in the Sioux City Journal Legals Section on September 12, 2024. Neighbors within 1000 feet were notified via a September 9 letter about the public hearing on September 23, 2024, and stakeholders including government agencies, utilities, and organizations have been requested to comment. No objections were received. Staff recommends approval as the proposal meets the criteria for approval. Bride moved to close the public hearing, seconded by Hanson. The motion carried 4-0. Hanson then moved to approve the zoning ordinance map amendment from AP to AE, with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Supervisors.

**PUBLIC HEARING (ACTION ITEM): CONSIDERATION OF NUCLEAR ENERGY FACILITIES IN THE WOODBURY COUNTY ZONING ORDINANCE:**

At the request of the Board of Supervisors, the Commission held a public hearing to discuss the potential incorporation of nuclear energy facilities into the zoning ordinance. No public comments were offered. This follows the Board's directive on July 2, 2024, to explore nuclear energy as a county option. No formal proposals have been submitted by companies, and few public comments have been received up to this point. Bride suggested seeking input from MidAmerican Energy regarding future power sources, and a town hall meeting after the harvest season was proposed to discuss nuclear energy with residents. Bride moved to revisit this topic next month, seconded by Hanson. The motion was approved 4-0.

**REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF THREE 100-FOOT WIND TURBINES (PARCEL #884420300005):**

Priestley read the staff report into the record. L & K Tabke Holdings, LLC (Kathy Tabke) submitted a conditional use permit application to install three 100-foot wind turbines to reduce electrical costs on the farm. The proposed locations are approximately 5.2 miles southeast of Merville, on the south side of 195th Street and east of Jasper Avenue. The property is located in the Agricultural Preservation (AP) Zoning District, where "Electric wind generator (Private use)" is classified as a conditional use eligible for review by the Zoning Commission and consideration by the Board of Adjustment. This proposal was properly noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within 500 feet were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Stakeholders have been requested to comment. Based on the information received and the requirements of the Zoning Ordinance, the proposal meets the criteria for approval. Bride emphasized that the turbines are for private use. Priestley discussed setback concerns from other structures on the premises per the zoning ordinance. The property owner assumes all risks for any malfunctions or tower collapses. Meister moved to close the public hearing, seconded by Bride. The motion carried 4-0. Based on the information provided and zoning criteria, Meister moved to recommend approval of the conditional use permit, seconded by Hanson. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

**REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF 250-FOOT WIRELESS COMMUNICATIONS TOWER (PARCEL #874720400004):**

Priestley read the staff report into the record. Andrew Bobrytzke, on behalf of American Towers LLC and the Bradley J. Kobold Trust, has filed a conditional use permit application to construct a 250-foot self-support wireless communications tower to replace an existing tower on Parcel #874720400004. The proposed location is about half a mile west of Salix, on the north side of 260th Street and west of Barker Avenue. The parcel is located in the General Industrial (GI) Zoning District, where "telecommunication towers" are classified as conditional uses eligible for review by the Zoning Commission and for consideration by the Board of Adjustment. This proposal was noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within one mile were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Appropriate stakeholders have been requested to comment. Based on the information received and zoning requirements, the proposal meets the criteria for approval. Staff recommends approval. Hanson moved to close the public hearing, seconded by Bride. Bride then moved to recommend approval of the tower construction and use on the specified parcel, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

**INFORMATION ITEM: CONSIDERATION OF DECOMMISSIONING REQUIREMENTS FOR CARBON PIPELINES:**

Priestley provided an update on the Board of Supervisors' August 27, 2024, decision to direct county staff to explore decommissioning requirements for carbon pipelines as part of a new ordinance. While federal regulations govern pipeline decommissioning, staff are reviewing local regulations from other counties and states. The Zoning Commission and Board of Adjustment will be involved in researching and offering recommendations. Bride noted that pipeline easements remain in place even if a pipeline is no longer in use.

**STAFF UPDATE:**

Priestley updated the Commission on the proposed amendments to Ordinance 56, which regulates Commercial Wind Energy Conversion Systems. He discussed the three-step public hearing process and referenced safety information obtained from safety data sheets for a Nordex system submitted to the Ohio Public Utilities Commission.

**PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:**

None.

**COMMISSIONER COMMENT OR INQUIRY:**

None.

**ADJOURNMENT:**

Meister moved to adjourn the meeting, seconded by Hanson. The meeting adjourned at 6:02 p.m.

**APPENDIX:**

Received from MidAmerican Energy (September 13, 2024)



MidAmerican Energy Company  
P.O. Box 881  
Des Moines, IA 50306-0881

September 13, 2024

WOODBURY COUNTY  
PLANNING AND ZONING COMMISSION  
820 DOUGLAS ST  
SIOUX CITY, IA 51101

Dear WOODBURY COUNTY:

MidAmerican Energy is committed to the safety of our customers and contractors working within our service territory. The enclosed brochure provides facts and useful information to consider when issuing permits or long-range planning involving grain storage, grain bin modification. This information is drawn from the Iowa Administrative Code, American National Standards Institute, and the National Electric Safety Code. If you or the residents of your city have additional questions, please contact us at **888-427-5632**. More information about farming and working safely around electricity and natural gas lines is available online at [MidAmericanEnergy.com/farm-safety](http://MidAmericanEnergy.com/farm-safety).

Sincerely,

Shane Emmert  
General Manager, Electric Distribution Engineering  
MidAmerican Energy

Attachment

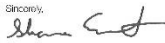
## YOUR SAFETY MATTERS GRAIN BIN CLEARANCE

MidAmerican Energy is committed to providing important information to help ensure your safety when working near electrical facilities. Each year, roughly 16,000 farmers, grain bin merchants, and city and county zoning officials of the hazards and standards for construction of grain and near overhead power lines.

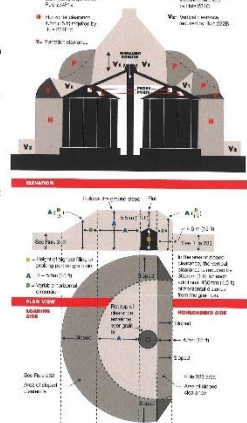
The Iowa Administrative Code (IAC) Section 159-25.2(3) requires that specific minimum safety clearances be maintained between grain bins and electrical lines in accordance with American National Standards Institute (ANSI) C2 2017 National Electrical Safety Code, Rule 248E. These diagrams show the minimum clearance envelopes for electrical lines. To vital that you are aware of these clearance requirements, because our strict or violating a grain bin in violation of these standards creates a hazardous condition that may result in a risk of injury, illness or electrocution.

If you or your customer are planning to build or modify a grain bin, please contact us at **888-427-5632** to discuss the specific location and to determine if MidAmerican can assist in any possible conflicts with nearby electrical facilities. Your assistance and attention are appreciated and will help ensure that grain bins are properly positioned and safe to operate. For more information about farming safely around electricity and natural gas lines, visit [MidAmericanEnergy.com/farm-safety](http://MidAmericanEnergy.com/farm-safety).

Sincerely,



Shane Emmert  
General Manager, Electric Distribution Engineering  
MidAmerican Energy Company



**MIDAMERICAN ENERGY COMPANY**