

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON MARCH 20, 2018

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Sybesma presiding. Members present were John Degen, Mark Sybesma, Dennis Wright, Arlyn Kleinwolterink, and Al Bloemendaal.
- 2) Minutes of the meeting held on March 6, 2018, were submitted, and the Chairman declared them approved.
- 3) Claims were approved for March 20, 2018 as submitted by the County Auditor.
- 4) Committee Reports:
 - **Sybesma, Wright & Bloemendaal** – Reported on the ISAC County Day at the Capitol and the Spring School of Instruction. Wright reported that they attended a Senate subcommittee meeting in regards to the Sioux Rivers Mental Health Region bill that would allow Sioux and Plymouth to operate as a two county region for just one fiscal year while plans are made to add another county to the region. Reported that there were many good sessions during the conference such as remarks from Judge Cady, opioid abuse, and two TIF sessions.
 - **Sybesma & Bloemendaal** – Reported on the Sioux County Regional Airport Board meeting from March 12. A map of the ongoing projects at the airport was distributed. Currently two T hangars are under construction and water runoff issues are being addressed with landowners.
 - **Bloemendaal** – Reported on Sioux County Trails Committee meeting from March 7. A letter was sent to landowners requesting that they attend a public meeting on April 5, 2018 at 7:00 PM at the Sandy Hollow Clubhouse.
 - **Sybesma** – Reported on the SRFDC meeting. SRFDC sets the formula for how road funding is dispersed in Iowa, and takes into account traffic counts and hard surface roads, among other factors.
 - **Degen** – 1) Reported that the Sioux County Conservation Foundation was awarded a \$600,000 Enhance Iowa Grant for the Nature Center project. 2) Informed the Board that House Representative Wheeler and Senate Representative Feenstra will be at the Hawarden Pizza Ranch on Friday, March 23 at noon.
- 5) Shane Walter, Sioux County Zoning Director, presented the following matter to the Board:
 - As this was the time 9:10 a.m. and date, March 20, 2018 set for a Public Hearing to consider a construction permit for one new 350 head deep pit beef cattle confinement building at an existing swine confinement and beef cattle open lot facility for Randy Kats, located in Section 11, Rock Township. The Chairman opened the said Public Hearing. No written or oral comment was received for the proposed construction permit. The Chairman closed the Public Hearing. Motion by Wright and supported by Bloemendaal to recommend that this permit be approved by the DNR. Motion carried unanimously.
 - Requested Board consideration of an amendment to a Master Matrix submitted by Rolling View Farms, Walt Vander Waal, located in Section 25 of Capel Township. On May 9, 2014 points were given in the matrix for landscaping, which had not been completed, which violated the original DNR permit that was issued. Rolling View Farms has now proposed an updated landscaping plan. Motion by Kleinwolterink and

supported by Degen to approve the updated landscaping plan as presented. Motion carried unanimously.

6) Shane Walter, Sioux Rivers Mental Health CEO, updated the Board on the status of the Region.

7) Shane Walter, Sioux County Zoning Director, presented the follow matter to the Board:

As this was the time 9:15 a.m. and date, March 20, 2018 set for a Public Hearing to consider amendments to County Zoning Ordinance No. 1. The Chairman opened the Public Hearing. Walter shared the following proposed resolution. No written or oral comments were received. The Chairman closed the Public Hearing. Motion by Degen and supported by Kleinwolterink to approve the amendments to Zoning Ordinance #1 as written. Roll Call on Vote: Degen, Yes, Wright, Yes, Kleinwolterink, Yes, Bloemendaal Yes, Sybesma, Yes. Motion carried unanimously.

RESOLUTION 2018-08

Amendment to Sioux County Planning and Zoning Ordinance #1, Articles: III, V, VI, VII, XI, XII, XIII, XIV, XVI, and XVII.

WHEREAS, the Sioux County Planning and Zoning Commission has recommended amendments to the text of the Sioux County Zoning Ordinance to more clearly establish the parameters for parcel divisions and setbacks, fireworks sales, home occupations, and rural commercial business operations and industrial enterprise, *and*

WHEREAS, such recommended amendments will more specifically set forth the requirements pertaining to the Zoning Regulations governing these matters

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors that the text of the Sioux County Zoning Ordinance shall be amended as follows:

THAT, the following definitions be added to Article III, Section 3.1, Definitions:

EVENTS CENTER: Facility for conducting weddings/receptions, vendor fairs, family reunions, business meetings, etc.

STABLE, COMMERCIAL: Any property, building or commercial establishment in which more than three (3) Equine (horse, donkey, mule) are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

WINERY/MICRO-BREWERY/TAP ROOM: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises.

AND THAT, Article III, Section 3.2.S. be amended by replacing the following text: 'six (6)', with 'three (3)'

AND THAT, Article III, Section 3.2.T. be amended by adding the following text: 'cocktail lounge'

AND THAT, Article III, Section 3.2. be amended by adding the following text:

FF. WINERY/MICRO-BREWERY/TAP ROOM: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises.

AND THAT, Article V, Agricultural District, be amended as follows:

Section 5.3.5. : Add the following text: Unless otherwise allowed by this Ordinance,

Insert New Section: 5.3.6: Individual agriculturally zoned parcels that include a farm residence may be split for residential purposes once in the lifetime of both the original and resulting parcel provided all of the following criteria are met:

- a. The original parcel is a minimum of four(4), and a maximum of ten(10) net acres in size, and
- b. There is only one existing dwelling on the original parcel, and
- c. There is evidence to support a history of no farming (crop) activity for a minimum of five (5) years prior to the division of the parcel under consideration, and
- d. Each resulting parcel is a minimum of 2 acres net, and
- e. All other pertinent zoning regulations are met by both the original and resulting parcel, including minimum setback requirements, lot/parcel size, septic requirements, etc., and

- f. The properties are otherwise determined by the zoning director to be suitable for residential purposes.
- g. Both parcels are subject to the “Parcel Subdivision” regulations outlined in [Section 16.11](#) of this Ordinance, and
- h. All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in [Section 17.7](#) of this Ordinance. Manufactured or mobile homes must be converted to real property in conformance with section 135D.26 of the *Code of Iowa*.’

Add new text to 5.4 Conditional Uses, Industrial Uses: Fuel Storage, Pesticide/Fertilizer Storage & Processing, Chemical Storage, Renewable Energy/Resources Industries, Sanitary Landfill’

Add new text to 5.4 Conditional Uses, Commercial Uses: Commercial Recreation, Events Center, Farm Business, Retail or Novelty, Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver),’ Stable, Commercial’

Add new text to 5.4 Conditional Uses: Public/Private Uses: As deemed appropriate by the Board

Section 5.6. Site Development Regulations, Agricultural Support Housing, Minimum Side Yard Setback: replace ‘15’ with ‘25’

AND THAT, Article VI – EC, Environmental Conservation District, be amended as follows:

Add new text to 6.3. Conditional Uses and Structures, Civic/Public Uses, and Private Uses: Other uses deemed appropriate by the Board

Add new text to 6.3. Conditional Uses and Structures, Industrial Uses: Resource Extraction

AND THAT, Article VII RR – Rural Residential District, be amended as follows:

Amend 7.2. Principal Permitted Uses: Replace ‘Agricultural Uses’ with ‘Commercial Uses’

Add to 7.2. Permitted Primary Uses, Agricultural Uses: Animal Husbandry, non-commercial, limited scope; Stable, Private

Add to 7.3. Conditional Uses and Structures: Commercial Uses: Stable, Commercial Events Center, Farm Business, Retail or Novelty, Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver) ; Industrial Uses: Fuel Storage, Pesticide/Fertilizer Storage, Chemical Storage, Renewable Energy, Resources Industries, Sanitary Land Fill’; Other Public/Private Uses: As deemed appropriate by the Board.

AND THAT, Article XI C- Commercial District, be amended as follows:

Section 11.2. Principal Permitted Uses: Move ‘Outdoor Sports and Recreation’ to Section 11.3. Conditional Uses and Structures

Add to 11.2. Principal Permitted Uses, Commercial: Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)

Add to 11.3 Conditional Uses and Structures: Public/Private Uses, Other uses as deemed appropriate by the Board

AND THAT, Article XII RC – Rural Commercial District, be amended as follows:

Add to 12.2. Principal Permitted Uses, Commercial: Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)

Add to 12.3 Conditional Uses and Structures: Public/Private Uses, Other uses as deemed appropriate by the Board

AND THAT, Article XIII LI – Light Industrial District, be amended as follows:

Add to 13.2. Principal Permitted Uses, Commercial: Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)

Add to 13.3 Conditional Uses and Structures: Public/Private Uses, Other uses as deemed appropriate by the Board

AND THAT, Article XIV HI – Heavy Industrial District, be amended as follows:

Add to 14.2. Principal Permitted Uses, Commercial: Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)

Add to 14.3 Conditional Uses and Structures: Public/Private Uses, Other uses as deemed appropriate by the Board

AND THAT, Article XVI Supplemental District Regulations, be amended as follows:

Section 16.10.5. Insert: If the pond/lake abuts residential development

Section 16.11 – Add text to paragraph one: for residential purposes; Insert second paragraph: All parcel subdivisions created for purposes other than those regulated elsewhere by this Ordinance, shall retain the original parcel's zoning classification, and must meet the minimum site development regulation requirements for the zoning district classification of the original parcel.

AND THAT, Article XVII Additional Use Regulations, be amended as follows:

Section 17.4. Section subtitle HOME OCCUPATIONS, insert text: AND OFF PREMISES BUSINESSES
Section 17.4.1 Residential Home Occupations, replace paragraph two with the following text: Permits for home occupations issued as an accessory to residential uses shall be renewed every three (3) years and conducted in accordance with the following limitations:

17.4.1.B, Replace text: members of the immediate family, with: family members

17.4.2 Agricultural Home Occupations, replace paragraph two with the following text: Permits for home occupations issued as an accessory to residential uses shall be renewed every three (3) years and conducted in accordance with the following limitations:

17.4.2.B, Replace text: members of the immediate family, with: family members

ADD Section: 17.4.3. Off-Premises Businesses are uses that typically carry on a commercial type use off premises, with only equipment being stored on the premises, for example: construction, excavation, plumbing & electrical, and similar enterprises that are not typically conducted on the premises. Permits for off- premises businesses shall be issued and renewed every three (3) years, when conducted in accordance with the following limitations:

- A. Equipment or materials associated with the off premises business may be displayed or stored where visible from off the premises, in a neat and orderly fashion. However, the off premises business shall not use the principle use property as a sales lot or display area for products such as automobiles, recreational vehicles or farm machinery and equipment, and
- B. May have no more than one (1) flush-mounted non-illuminated wall sign not exceeding twelve (12) square feet, and one ((1) non-illuminated yard sign not exceeding twenty (20) square feet and ten (10) feet in height, and
- C. The storage of equipment related to the business shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside of property of the principal use or elsewhere that would be a nuisance to neighboring properties, and
- D. Shall be permitted only when the business is conducted in accordance with state and federal regulations.

Resolved this 20th day of March, 2018.

/s/Mark Sybesma
Chairman,
Sioux County Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- 8) Shane Walter, Sioux County Zoning Director, requested Board approval of the following resolution. Motion by Bloemendaal and supported by Wright to approve the amended 2018 Sioux County Zoning Map. Roll Call on Vote: Degen, Yes, Wright, Yes, Kleinwolterink, Yes, Bloemendaal Yes, Sybesma, Yes. Motion carried unanimously.

RESOLUTION NO. 2018 –09

2018 SIOUX COUNTY ZONING MAP

WHEREAS, acting pursuant to Iowa Code Section 335.4, Sioux County previously adopted a zoning map in 2014;

WHEREAS, Iowa Code Section 335.7 further provides that the Board of Supervisors may repeal previously adopted zoning regulations, restrictions, and boundaries at any time,

WHEREAS, Sioux County desires to repeal and replace the county zoning map adopted as part of the Zoning Ordinance previously adopted by the Board of Supervisors in 2014;

WHEREAS, the Board, having set a public hearing on the proposed replacement of the 2014 zoning map; having timely published notice of the time and place of the public hearing on the proposed replacement of the 2014 zoning map; and after soliciting and considering public comment and input on the proposed replacement of the 2014 zoning map, is ready to finally act on such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors hereby approves the replacement of the current zoning map which is incorporated herein by this reference. A copy of the amended 2014 county zoning map is available for public review at the office of the Sioux County Zoning Administrator/ Courthouse/ Orange City/Iowa.

PASSED AND APPROVED this 20th day of March, 2018.

/s/Mark Sybesma
Chairman, Board of Supervisors

ATTEST:

/s/Ryan Dokter, Sioux County Auditor

9) Doug Julius, Sioux County Engineer,

- Requested Board consideration of an easement for a pipeline for Livestock Energy Group, which would be in County right-of-way. Present for this discussion were Randy Vande Vegte, Don Yochum, and Russ Vande Vegte. The company has worked with landowners and has attained easement except for a quarter mile. This pipeline will connect to the ethanol plant in Sioux Center. Motion by Wright, supported by Bloemendaal that upon legal advice from the County Attorney, the Board of Supervisors would grant an easement for a 4” non-rigid gas line owned by Livestock Energy Group for that quarter mile located on the west side of Garfield Avenue between Section 14 and 13 of Plato Township in the County right-of-way. Motion carried unanimously.
- Requested Board consideration of the following permit agreements from Heartland Communications (Premier Communications), to place buried telecommunication cables in the Doon area and the area around Rock Valley. Motion by Wright and supported by Bloemendaal to approve the permits as presented. Motion carried unanimously.
- Requested Board approval of a Certification of Completion and Final Acceptance for project L-2-2018—73-84 for an aluminum box culvert on Marsh Avenue, east of Hospers. Motion by Degen and supported by Kleinwolverink to approve the Certificate of Completion and Final Acceptance as presented. Motion carried unanimously.

- Presented the FAST Act Application for years 2019-2022 to the Regional Transportation Improvement Program for road B40 from 7th Street SE in Sioux Center east to K64/Jackson Avenue.
- Reported that the letting for road B14, from L14 to L26(Matlock Road), project STP-S-C084(157) for asphalt resurfacing will be today, March 20, 2018.
- Updated the Board on secondary road activities and that his employees will be taking CPR/First Aid training on Wednesday, March 21 from 8 AM to 3 PM.

10) The Chairman adjourned the meeting at 10:15 a.m. until 9:00 a.m. Tuesday, April 3, 2018.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor