



WOODBURY COUNTY ZONING COMMISSION

Monday, February 27, 2023 at 6:00 PM

The Zoning Commission will hold a public meeting on **Monday, February 27, 2023 at 6:00 PM** in the 1st Floor Board of Supervisor's Meeting Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting and public hearings on the agenda may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 516 721 135#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
4	APPROVAL OF MINUTES: November 28, 2022
5	ITEM(S) OF BUSINESS
»	ELECTION OF CHAIR OF ZONING COMMISSION FOR 2023
»	ELECTION OF VICE-CHAIR OF ZONING COMMISSION FOR 2023
»	PUBLIC HEARING: <i>BARKER ADDITION, MINOR SUBDIVISION PROPOSAL ON PARCEL #874704300003</i> Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust have filed for a six (6) lot minor subdivision to be known as <i>Barker Addition</i> on the property identified as Parcel #874704300003 in the SW ¼ of the SW ¼ of Section 4, T87N R47W (Liberty Township). This subdivision proposal is being presented concurrently with a Zoning Ordinance Map Amendment (Rezoning) from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District.
»	PUBLIC HEARING: ZONING ORDINANCE MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO THE AGRICULTURAL ESTATES (AE) ZONING DISTRICT – PORTION OF PARCEL #874704300003 Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a zoning ordinance map amendment (rezoning). The proposal is to rezone from AP to the AE Zoning District for 13.26-acres located on Parcel #874704300003 in the SW ¼ of the SW ¼ of Section 4, T87N R47W (Liberty Township) for the purpose of establishing six residential lots through a concurrent minor subdivision application.
»	INFORMATION / DISCUSSION: WOODBURY COUNTY COMPREHENSIVE PLAN 2040 UPDATE
»	INFORMATION / DISCUSSION: THE NEW WOODBURYCOUNTYIOWA.GOV WEBSITE
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
7	COMMISSIONER COMMENT OR INQUIRY
8	STAFF UPDATE
9	ADJOURN

Minutes - Woodbury County Zoning Commission – November 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of November at 6:00 PM in the basement of the Woodbury County Courthouse. The meeting location in the Courthouse was moved from the first-floor boardroom to the basement due to limited seating in the first-floor boardroom. The meeting was also made available via teleconference.

ZC Members Present: Christine Zellmer Zant, Tom Bride, Barb Parker, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Carole Hennings, Deb Main, Axel Johnston, Britany Heath, Karen Keath, Vicki Hulse, Jana Martens, Diane Weaver, Sandi Brouwer, Stee Maxwell, Gayle Palmquist, Doyle Turner, Jim Colyer, Renee Colyer, Barb Petersen, Loren Peterson, Luke Grigg, Christine Gant, Kyle Karrer, Ron Karrer, Dennis Karrer, JoAnn Sadler, Brian Sadler, Dan Bittinger, Alan McGaffin, Terri McGaffin, Jody Wilson, Todd Grohs, Curt Grigg

Call to Order

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

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – October 24, 2022 Meeting

Motion by Meister second by Parker to approve the minutes of the October 24, 2022 meeting. Carried 5-0.

PUBLIC HEARING: Zahnley First Addition, Minor Subdivision Proposal

Priestley read the staff report summary into the record. Phirman E. Zahnley has filed for a one-lot minor subdivision including Parcel #894227200001 as referenced above. The purpose is to spilt the house from the farm ground. This proposal has been properly noticed in the Sioux City Journal Legals Section on November 12, 2022. The neighbors within 1000 FT have been duly notified via a November 9, 2022 letter about the November 28, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot has adequate access to the road system. Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Correctionville on October 10, 2022. The property is not located in the floodplain. The proposed lot contains both the well and septic system. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal as proposed. Surveyor Axel Johnston was present on behalf of the applicant and reported that the structure to the north of the property was 22.5 FT from the north property line. Motion by O'Tool second by Bride to close the public hearing. Carried 5-0. Motion by O'Tool second by Meister to recommend approval of the Zahnley First Addition to the Woodbury County Board of Supervisors as proposed. Carried 5-0.

PUBLIC HEARING: Zoning Ordinance Text Amendment for Hazardous Liquid Pipelines

Priestley read the staff report summary into the record. On October 11, 2022, the Woodbury County Board of Supervisors unanimously approved a motion to direct staff and the Zoning Commission to initiate a review process and provide a recommendation of a Zoning Ordinance Text Amendment to the Zoning Ordinance to address the permitting of Hazardous Liquid Pipelines. There is already a process in place to address the permitting of pipelines, however, the intent is to review the current process and consider supplemental language to the ordinance that would account for specific separation distances from occupied structures due to concerns about the health and safety of residents being located in close proximity to pipelines. Priestley referenced a report prepared by staff including a review of literature that considers a series of studies as it relates to the consequences of pipeline failures including the impact to the population as well as measures local communities can employ for mitigation. The report describes the county's existing conditional use permit procedure and makes the recommendation to institute a setback of 330 FT as rooted in the Emergency Response Guidebook (2022) from residential structures or dwellings. The recommendation also includes a 50 FT setback in commercial and industrial zoning districts. It is also recommended to institute 1000 FT planning areas and consultation zones to foster collaboration among landowners, pipeline operators, government officials, and other stakeholders. Priestley stated other counties in Iowa such as Shelby County and Story County have passed ordinances for the regulation of hazardous liquid pipelines including the establishment of separation distances. On Monday, November 14, 2022, a federal court case was filed in the United States District Court for the Southern District of Iowa Central Division between William Couser and Summit Carbon Solutions, LLC (Plaintiffs) v. Story County, Iowa: Story County Board of Supervisors...The case considers questions of whether the local ordinance No. 306 is preempted by federal and state measures.

Carole Hennings, 1970 Garner Avenue, Merville, IA; Deborah Main, 1026 Charles Avenue, Sioux City, IA; Alan McGaffin 1122 S. Paxton, St., Sioux City, IA; Gayle Palmquist, 1848 130th St., Lawton, IA; Jana Martens, 2678 110th St., Merville, IA; Karen Heath, 4809 Oxford Drive, Sioux City, IA; Jim Collyer, 1650 Old Hwy 141, Sergeant Bluff, IA; Viki Hulse, 2700 100th Street, Merville, IA; Stee Maxwell, 248 Pearl St. S, Merville, IA; Doyle Turner, 2738 200th St., Merville, IA; Dan Bittinger, 2901 Sunset Circle, Sioux City, IA; Jody Wilson, 1449 Charles, Avenue, Lawton, IA; Todd Grohs, 1661 180th St., Sioux City, IA; Curt Grigg, 1261 Delaware Ave., Lawton, IA addressed the board with concerns regarding the placement of hazardous liquid pipelines and the ordinance proposal.

Motion by Bride second by Meister to receive documents from Deborah Main. Carried 5-0. Copy filed.



Motion by Meister second by O'Tool to receive documents from Gayle Palmquist. Carried 5-0. Copy filed.



Motion by Parker second by Bride to close the public hearing. Carried 5-0.

In consideration of the proposed draft zoning ordinance text amendment, members of the Commission discussed the proposal including the proposed setbacks while taking questions and clarifying information for the public during the executive session. The consequences of the proposed setbacks were referenced including the potential establishment of reverse setbacks thereby establishing a class of legal nonconforming structures along pipeline corridors. The conditional use permit process currently on the books, including the criteria used by the Zoning Commission and Board of Adjustment to make a determination were discussed and shared including the ability to institute conditions as part of the permit application approval. The current criteria was referenced as reviewing applications based on the situation and relevant circumstances as they relate to the ordinance criteria. The options for moving forward with a recommendation were discussed.

Motion by Bride second by Parker to stay with the existing process with the Conditional Use Permit instead of going with the draft amendment ordinance proposal. Carried 5-0.

Meister stated he would like more time to review the case. Priestley responded that the motion passed is sticking with the current process but some questions rooted in the criteria could be formulated to assist with the Conditional Use process.

Bride indicated that he remains open to further guidance from the Board of Supervisors including any language/questions to assist the Zoning Commission and Board of Adjustment in analyzing the Conditional Use Permit criteria in the Zoning Ordinance.

Priestley indicated that the Board of Supervisors, even with the rejection of this draft ordinance amendment by the Zoning Commission, have the ability to consider this ordinance language or adjustments to it. The Board also has the ability to direct the Zoning Commission to look into the issue further.

Priestley stated that this will be brought up as an information item at tomorrow night's Board of Supervisors meeting (11/29/22).

Information / Discussion: Application process for positions on the Board of Adjustment and Zoning Commission

Priestley discussed the application process for membership on the Zoning Commission and Board of Adjustment. Applications are due in the Board of Supervisors office before December 15, 2022. The Board of Supervisors make appointments to both boards.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment of Inquiry

None

Staff Update

The Zoning Commission recommendation on a hazardous liquid pipelines zoning ordinance amendment will be brought to the Board of Supervisors as an information item tomorrow, Tuesday, November 29 to update the Supervisors about tonight's proceedings.

Adjourn

Motion by Meister second by O'Tool to adjourn the meeting. Carried 5-0. Meeting ended at 8:42 PM CST.

APPENDIX – RECEIVED DOCUMENTS FROM THE PUBLIC

Next eight (or 16 - 2 sided) pages received by Deborah Main into the Zoning Commission 11/28/22 Minutes.

Filed with the Iowa Utilities Board on October 28, 2022, HL-P-2021-0001

Jessica Wikkus
Iowa County
October 26, 2022

Dear Members of the Iowa Utilities Board:

For over a year now, Summit Carbon Solutions has made public its proposal to transport supercritical liquid CO₂ to North Dakota via pipeline.

My neighbors and I have been organizing to take a stand against the use of eminent domain for this and, indeed, all three of these CO₂ projects. We've distributed yard signs, we've cheered each other on at public meetings, we've sent letters to the Iowa Utilities Board, and contacted all of our Iowa legislators, multiple times. And our little group has grown in numbers, joining with a state-wide non-profit organization to help us fight against the abuse of eminent domain.¹



Why are we so opposed to these CO₂ pipeline projects? First of all, all three pipeline companies are seeking to use eminent domain for their projects. Now, eminent domain is a power granted by the government to take away your property or the use of your own property, against your will. Eminent domain, as an extraordinary governmental power that condemns your private property for someone else's use, can be used ONLY for "public convenience and necessity," at least, according to the law.

¹ <https://iowareassessment.org/>

What is “public convenience and necessity”? In Iowa, an individual’s or a corporation’s economic development is not enough to warrant eminent domain. In a legal case brought before the Iowa Supreme Court in 2019, the court found that “trickledown benefits of economic development are not enough to constitute a public use.”² And the Court spelled out: “If economic development alone were a valid public use, then instead of building a pipeline, [a company] could constitutionally condemn Iowa farmland to build a palatial mansion, which could be defended as a valid public use so long as 3100 workers were needed to build it, it employed twelve servants, and it accounted for \$27 million in property taxes.”³ But in Iowa, this kind of thing simply is *not allowed*.

Therefore, we have to look closely at what Summit is claiming about its project. Do these CO₂ pipelines promote “public convenience and necessity”?

This general question breaks down into three specific questions:

1. Are these pipeline projects safe? I ask this because it cannot be convenient nor necessary to force the public to live under conditions of unreasonable risk.
2. Are these projects a necessary public good for the environment?
3. Are these projects a necessary public good for the future of ethanol?

So, these three questions will be explored in this document.

1. Are these CO₂ pipelines safe for rural Iowans and our communities?

I want to begin by focusing on safety concerns. Many of us already live near gas or petroleum pipelines, and we don’t give them a second thought. They are established infrastructure, and we willingly live with the minimal risks that they pose. But as it turns out, pipelines that transport supercritical CO₂ are quite different from any other kind of pipeline that currently runs through Iowa.

What is this CO₂? Is it the stuff in the atmosphere, a gas in its natural state? No. According to Det Norske Veritas, (or DNV) the industry’s leading risk management research company, the typical amount of CO₂ in the air that we breathe, by volume, is 0.04%,⁴ This does not harm us.

But what will be transported via these pipelines is quite different. It is 99.9% or “pure” CO₂ in what scientists call a “supercritical” or “dense-phase” state: this is kind of a fancy way to talk about a gas that has been put under so much pressure—1300-2100 psi—that it is forced into a different state (sometimes referred to as a liquid state).⁵

And liquid, pressurized, dense-phase carbon dioxide is uniquely unstable and dangerous. The liquid carbon dioxide that these projects will capture is 99.9% carbon dioxide (what the industry calls, “pure” CO₂)—compare that to the 0.04% that we breath as a gas in the air.

many of us will not sign voluntarily easements with these pipeline companies—no matter the dollar amount. *AND THE STATE OF IOWA SHOULD STAND WITH US, NOT AGAINST US.*

Respectfully,

Jessica Wiskus

² Puntenney v. Iowa Utilities Board, 928 N.W.2d 829 (2019).

³ *Ibid.*

⁴ <https://www.dnv.com/oil/gas/download/dnv-rp-1104-design-and-operation-of-carbon-dioxide-pipelines.html>

⁵ *Ibid.*

And Linn county's Farm Bureau, citing "potential infringement on the private property rights of Iowans," submitted an objection to the Iowa Utilities Board against Navigator's proposed pipeline, stating:⁴⁴

"Representing Linn County Farm Bureau members, we are requesting the Iowa Utilities Board to deny the use of eminent domain for Navigator LLC at this time."

It is not every day that the Farm Bureau and the Sierra Club agree! They agree because there is something really fundamental that is at risk here.

Let me close with one last thought. Look, maybe you think that this issue is about *his* back yard or *her* back yard—that this issue just boils down to money. After all, everyone knows that a farmer's wealth is in the land... But, my experience in the last months, listening to my neighbors, has shown me how this issue cuts to the very core of our values.

Private corporations want to take the part of the wealth that is seen on a property deed, but they disregard what the land really means—they disregard the part that is the true gift. Land, for many of us, means something more than just a line on a balance sheet. Many of us come from families who have lived here and farmed here for generations—I am the 7th generation in my family to live on the good Iowa soil.

As the descendant of pioneers, it is not lost upon me that the land never truly "belonged" to my family in the first place. The taking of land from Native peoples was one of our nation's original sins. This crime against nations was sanctioned according to the rules of the "common carrier"—the railroad. The "justification" for the CO₂ pipelines—because they clearly do not meet any kind of public good—is strikingly similar.⁴⁵ Will ours be the generation to see that crime repeated?

You see, Mother Nature is more powerful than any history, than any people. Over the course of seven generations, like a flowing river, she has worn away the sharp edges of our pride, corrected us, and put us in our place: so that we, too, know that the land does not belong to us—we belong to the land.

And so, we're fighting these pipelines not just because *we* are affected; it's about more than just us. It's about all those who lived and loved the land before us, and those who will come after us. It's about the grandparents, the great-grandparents, and the more ancient ancestors; it's about the children, the grandkids, and the lives to come. It's about heritage, and it's about hope. And it's about our neighbors—about what it means to be a community, and to treat one another with respect. "Land" for us, is about the abundance of life that is rooted in the earth, and that, fundamentally, is not of our own making. We live our lives in relation to something that is greater than just ourselves—that is the true gift, the true wealth, that the land gives to us. It's because of this that so

⁴⁴ Filed on the Navigator docket at the IUB and dated December 14, 2021.

⁴⁵ However, the following distinction between a railroad track for a railcar and a pipeline for CO₂ should be made: whereas the railroad car transports goods for commerce, thereby potentially benefiting the consumer by lowering prices, the CO₂ pipeline transports nothing but industrial waste, doing nothing but *raising* the costs for the consumer through the tax-payer subsidized 45Q credits. It therefore does not meet the criteria for eminent domain.

According to DNV's research, concentrations of 10-15% carbon dioxide can cause, "headache, increased heart rate, dizziness, rapid breathing, and unconsciousness," in less than *one minute*. At higher concentrations, within one minute it can cause "unconsciousness, convulsions, coma, and death."⁶

Carbon dioxide is an asphyxiant—it displaces the oxygen in your lungs. Only about 5,000 miles of CO₂ pipelines exist in the US—**less than 1%** of the total pipelines in our country.⁷ CO₂ pipelines are not like other oil and gas pipelines. As it turns out, *what travels through the pipe and under what pressure matters—a lot*. While a typical gas pipeline is under 500-1400 psi, a CO₂ pipeline operates under 1300 – 2100 psi.⁸ The extra high pressure means that a rupture would release CO₂ at an explosive force. We know that carbon pipeline ruptures can and do happen.⁹ DNV has conducted testing to see what this would look like and posted a short video of one such test demonstration conducted in England.¹⁰

Demonstration of a CO2 pipeline rupture (conducted by Det Norske Veritas).



⁶ *Ibid.*

⁷ <https://www.phmsa.dot.gov/data-and-statistics/pipeline/annual-report-mileage-hazardous-liquid-or-carbon-dioxide-systems>. This tiny proportion of pipelines has been responsible for 61 accidents involving the release of CO₂ over the past ten years (2011-2021), as reported to the Pipeline and Hazardous Materials Safety Administration. See <https://www.phmsa.dot.gov/data-and-statistics/pipeline/distribution-transmission-gathering-liqu-and-liquid-accident-and-incident-data>. That's about one accident every 82 miles.

⁸ This is according to Navigator's materials.

⁹ <https://climaticinvestigations.org/co2-pipelines-and-carbon-capture-the-satartia-mississippi-accident-investigation/>

¹⁰ <https://brandcentral.dnvgl.com/mains/embed?o=4D2E198D78A666F&c=10651&a=N>

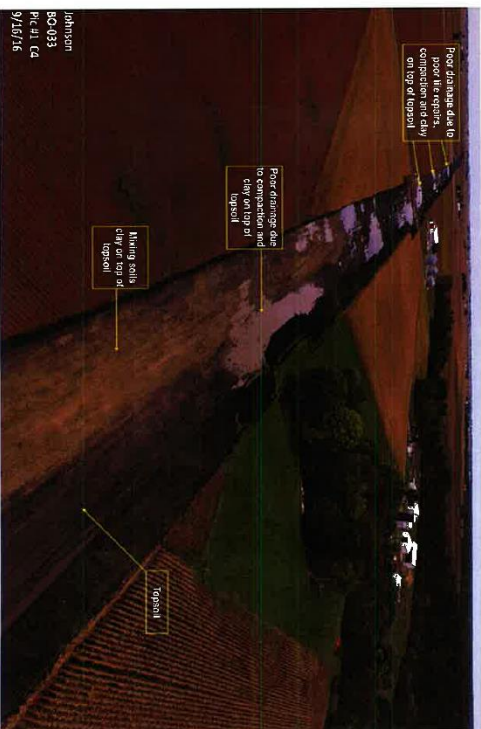
A peer-reviewed, scientific article published in July 2021, called "Risks and Safety of CO₂ Transport via Pipeline," reports the results.¹¹ I will compare them to Navigator's CO₂ pipeline project because they have released specific details about their project, and we expect Summit's to be similar. The rupture of an 8"-diameter steel pipe, buried underground, under pressure and temperature parameters equivalent to Navigator's pipeline project, resulted in 136 ton of CO₂ released in 204 seconds—that's under 4 minutes; the visible plume caused by the CO₂ went up approximately 197 feet and spread out, horizontally across the ground, approximately 1312 feet—a ¼ of a mile.

What is the visible plume? It's a solid form of CO₂, basically like dry ice. In section 3.4.5 of the industry standard publication, "Design and operation of carbon dioxide pipelines" from September 2021, DNV warns that, "Inhalation of air containing solid CO₂ particles within a release cloud is particularly hazardous since this could result in cryogenic burns to the respiratory tract as well as additional toxicological impact due to sublimation in the lungs."¹²

Representatives from both Navigator and Wolf have admitted at their public informational meetings that, by default, the minimum setback for habitable structures would be 2.5 feet from the pipeline. It is the same for Summit.

Until now, carbon pipelines in the US have been routed through sparsely-populated areas. And while some people think that Iowa is just a fly-over state, we know that Iowa's history of settling in 40-acre parcels means that our rural areas have quite a few farmhouses and thriving small-town communities. This places us at risk when it comes to carbon pipelines. As an example, Navigator's route put Iowa farmhouses, ballfields, churches, historic sights, and even schools in the pipeline corridor (for example, the College Community School District in Linn County). The figures, indicated below, offer such examples.

And yet, hundreds of Iowans, including me, continue to contact our legislators and asked them to stop the use of eminent domain for private projects like these, because the threat of eminent domain has a host of consequences for rural landowners. As it turns out, Iowa recently experienced a kind of "test case" of modern pipeline construction when Dakota Access came through our state in 2016.



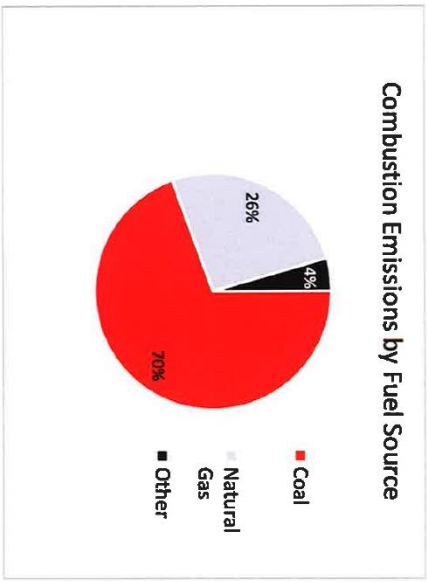
Photos, graciously provided by an Iowa farmer who went through it, show evidence of mixing of soils, compaction, draining of water into surrounding fields, damage to the tiling, and more. You see, the pipeline company obeyed the letter of the law when they separated out the topsoil from the subsoil, but then they drove over the topsoil while they were building the pipeline—mixing the soils—and they worked the land under extremely wet conditions—compacting the soil. The tiling never was made right, and farmers were left with reduced fertility, problems with erosion, and lowered yields—you can see the scar two years later. All of this has direct financial consequences for rural families, of course.

For example, this letter from State Farm Insurance warns an affected landowner that:⁴³
 "As history has proved, any pipeline has a chance to fail, leak and seep resulting in significant damage to life and property. To place this type of risk or burden upon unwilling landowners, like yourselves, is tantamount to placing a risk to your livelihood without your permission.
 "In summary, having a pipeline running through your property, carrying CO₂, a pollutant, subjects you to substantial uninsurable exposure."

¹¹ <https://www.mdpi.com/1996-1073/14/1/514601>
¹² <https://www.dnv.com/olgas/download/dnv-rp-f104-design-and-operation-of-carbon-dioxide-pipelines.html>

⁴³ Private letter from State Farm to landowner, identity protected.

biogenic CO₂ is actually a relatively small portion of ethanol's own carbon footprint. 70% of ADM's on-site emissions comes from coal.⁴⁰



The real problem is coal, not corn—but emissions from coal cannot be captured and sequestered.

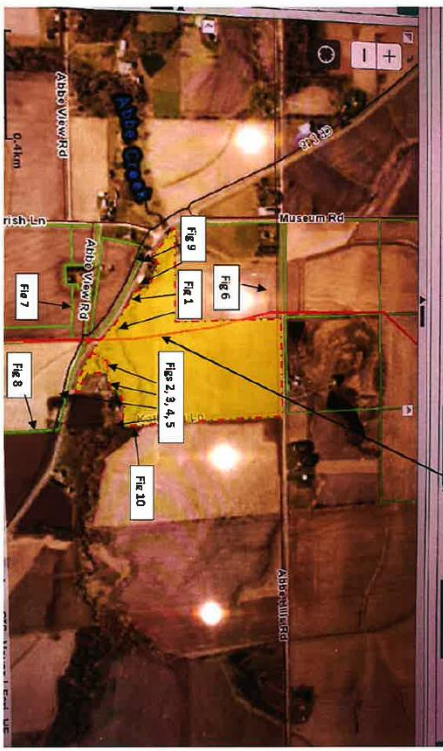
No surprise, then, that ADM's report concludes that the most effective way that they can lower their carbon footprint, is to wean themselves off of coal. That, and increase other efficiencies around their facility. POET, another giant in the ethanol industry, also has alternative ways to *actually stop producing more carbon dioxide in the first place*, rather than capturing and transporting it for the oil industry.⁴¹

In other words, to "go green," they don't need an interstate pipeline that would transport hazardous waste through rural Iowa countryside—and they don't need to take our land through eminent domain.

What motivates these projects is not "necessity" but rather a personal business decision by Bruce Rastetter, the head of Summit. And a personal business decision is not a public good. When a bill to stop the use of eminent domain came up in the Iowa State Senate last winter, SF 2160, neither ADM nor POET registered opposition to the bill.⁴² Clearly, they know that the CO₂ pipelines aren't necessary. They're just being forced to get on board and push this through because their competitor, Summit, seems unstoppable. (Former Governor Terry Branstad is paid to sit on the corporate board of Summit; the son of former Governor Tom Vilsack, Jess Vilsack, serves as one of Summit's corporate lawyers.)

⁴⁰ See page 7 of the report.
⁴¹ <https://poet.com/sustainability/report>. Recently, POET did sign with Navigator for CCS.
⁴² <https://www.legis.iowa.gov/lobbysist/reports/declarations?ga=89&ba=SF2160>

Pipeline Route Highlighted in "Red" Below



We live here. Our families live here. Our communities are built here. And we deserve respect.

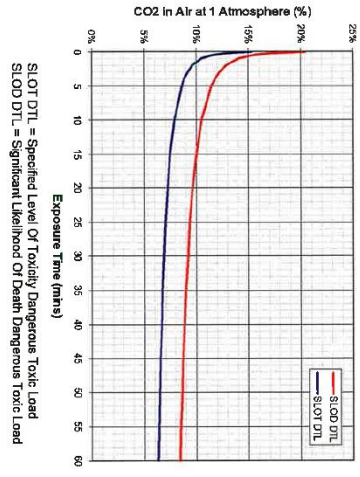
What about PHMSA, the federal Pipeline and Hazardous Materials Safety Administration? PHMSA's job is to regulate the pipe itself within the 50-foot right-of-way (hence the 25-foot distance between the pipe itself and our houses). PHMSA has no regulatory authority over the siting of the pipelines—*where* they are built. States that have experience with carbon pipelines—states like OK, TX, and WY—have recognized this safety loophole and, according to an article called, "Siting Carbon Dioxide Pipelines," from the *Oil and Gas Natural Resources, and Energy Journal*, have passed their own legislation to regulate the siting of these pipelines, for example, a required minimum distance from a school.¹³ But we have no such protections in Iowa because, frankly, CO₂ pipelines are less than 1% of all pipelines in this county, and in Iowa we have no experience with them *at all*.

Are the proposed pipeline routes safe? DNV, the world's leading authority on recommended practice for the design and operation of CO₂ pipelines, does not specify a distance from the pipeline that would be safe in case of a rupture. *That is because even they do not know.*

No one knows. It depends on many different factors, not just the diameter of the pipe, the pressure under which the CO₂ was traveling, or the distance between safety valves, but also the local topography, soil composition, ambient temperature, wind speed, and other highly variable factors. In the end, it's not about distance; it's about concentration and time.

¹³ <https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=1129&context=onej>

DNV developed a graph to show how this works.¹⁴



The red line indicates “significant likelihood of death,” while the blue line indicates a scientifically-specified level of toxicity—when you will suffer harmful effects. At concentrations of 10%, you will likely die in 15 minutes. At a concentration of 1.5%, you will likely die within 1 minute. How long do you have to escape? (By the way, unless you have an electric vehicle, car engines will stall out and fail if they are in an area of high CO₂ concentration because combustible engines, too, need oxygen to survive.)

How do we site these pipelines, safely? At the most recent public informational meetings—with Wolf and the IUB in August—Wolf’s engineer said, “The industry doesn’t have a standard.” And, “The results aren’t in on the dispersion modelling.” And when asked to estimate what distance he would recommend to avoid death from a pipeline rupture, he said something in the “800 to 1500 foot range.”¹⁵ That’s a really large range because so much is unknown about how supercritical CO₂ disperses—but notice that 25 feet is not a recommended option.

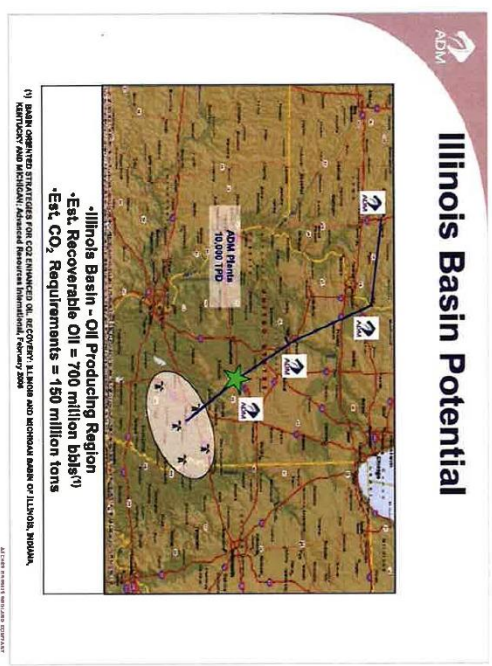
What we do know is that the day scientists conducted the test demonstration of a CO₂ pipeline rupture under the auspices of DNV, the visible plume of CO₂ travelled 1/3 of a mile—1312 feet—in under 4 minutes. And now, thanks to a real-life accident, we also know that *the gas form of CO₂* can travel much farther.

We learned that, unfortunately, when a CO₂ pipeline owned by Denbury Resources suddenly ruptured on a Saturday night in February of 2020 in Saratoga, Mississippi,¹⁶ The rupture of the 24”

¹⁴ <https://www.dnv.com/oilgas/download/dnv-rp-fl04-design-and-operation-of-carbon-dioxide-pipelines.html>

¹⁵ Comments from Wolf’s engineer, recorded on August 29th and 30th, 2022.

¹⁶ https://www.huffpost.com/entry/gassing-saratoga-mississippi-pipe-002-pipeline_n_60d4e19efc4b0dd6f8b04dc8f



The presentation as a whole contains research as recent 2020, and so I believe that we can consider this a fairly current source of information. The “Illinois Basin Potential” describes the millions of barrels of oil that will be recoverable by injecting liquid CO₂ into the ground of depleted oil fields in Illinois. Indeed, there have been multiple studies by the oil and gas industry about the *quote* “stranded oil prize” that waits, underground, in Illinois. However, there is no such “oil prize” for IOWA...

So, that leads me to my third question: what about ethanol?

3. Are the CO₂ pipelines necessary for ethanol’s future? As it turns out, ADM knows the answer to this question, as well.

A report from March of 2020 was commissioned by ADM to look at several options for reducing CO₂, including the option of carbon sequestration.³⁸ But in this report, carbon sequestration comes in *dead last* of all the options.³⁹ You see, right now, the carbon that the technology can capture is only the CO₂ from biogenic sources—from the corn fermentation. That’s because the corn fermentation produces a very “pure” stream of CO₂—CO₂ not mixed with other gasses—that is the easiest to capture, dehydrate, and pressurize for transport through a pipeline. Indeed, that’s why the oil and gas industry wants it from ethanol facilities for the use of enhanced oil recovery. But this

³⁸ <https://assets.adm.com/Sustainability/2019-Reports/ADM-WSP-Feasibility-Study-and-Goal-Document.pdf>

³⁹ See page 9 of the report.

Iowans deserve the same protection. CO₂ pipelines should not be built unless PHMSA closes the knowledge gap on safety.

2. Are these projects a “public convenience and necessity” for the environment?

The reason that the CO₂ will be captured is to sequester it—bury it underground. In Iowa, we are being told that that would reduce the carbon footprint of ethanol and help address concerns about climate change. But there is more to this story, as it turns out.

Like all three of the projects under review in Iowa, Summit’s would transport liquid CO₂ to a facility out of state, where it will be injected or sequestered underground. It sounds “green,” but unfortunately, it’s only *one* part of the story. *Liquid CO₂*—which is what we’re talking about with these projects—is a commodity. It’s worth something, it’s sold and bought, as the oil and gas industry itself will tell you. That’s because it is used as a tool for more oil and gas extraction. Most people have probably heard of fracking, but maybe they haven’t heard of “Enhanced Oil Recovery” (EOR). Enhanced Oil Recovery has been used by the oil industry for decades, mainly down in Texas and Louisiana, but also now in places like Wyoming, Colorado, and North Dakota. By injecting the liquid CO₂ into the ground (where it is stored, by the way—that part of the industrial cycle is true), oil companies extract barrels of oil out of fields that were otherwise depleted. How much oil? A lot. For example, at a facility called Petro Nova, the *Journal of Petroleum Technology* reports that in less than one year they “captured 1 million tons of CO₂ and increased oil production [at a field some 80 miles away] by 1,300%.”²³ For over a decade, the oil and gas industry has been searching for a reliable source of CO₂ with which to pursue enhanced oil recovery. Indeed, the *Oil & Gas Journal* reports back in 2010 that “Tracy Evans, president of Denbury Resources Inc., said the largest deterrent to expanding production from CO₂-EOR is the lack of large volumes of reliable, affordable CO₂.”²⁴ Indeed, the article goes on to state that, “Most CO₂ for EOR today comes from natural reservoirs, which are limited in capacity”—i.e. this industrial process has nothing to do with limiting our carbon footprint. (This article dates before the oil and gas industry hit upon the idea of using CO₂ from ethanol as their supply for Enhanced Oil Recovery—but I’ll tell you more about that later.)²⁵ What is important to note, for now, is that oil, when used, generates more CO₂—as it turns out, more than what was sequestered in the first place. According to an article in the *Proceedings of the National Academy of Sciences of the United States of America*, for every one ton of CO₂ they pump into the ground, they pull out two to three barrels of oil, which generate about 1.2 tons of new CO₂.²⁶ The process adds more CO₂ to the atmosphere than it takes out.

²³ <https://opt.spe.org/co2-eor-could-be-industry-key-sustainable-future-or-its-biggest-missed-opportunity>
²⁴ <https://www.ogj.com/general-interest/companies/article/17282591/art-carbon-capture-could-boost-eor-projects>
²⁵ <https://www.pnas.org/doi/10.1073/pnas.1806504115>
²⁶ <https://www.pnas.org/doi/10.1073/pnas.1719695115>. Note that this is the article that pioneered the use of CO₂ from ethanol for EOR and that the authors make the oft-repeated argument from oil and gas that EOR is necessary to battle climate change. It is only necessary, however, for the industry itself; carbon capture transforms an existential threat to the fossil fuel industry into a lucrative opportunity—no matter that it fails to address the problem of actually continuing to generate CO₂ from industrial processes.

This article from *Biophysical Economics and Sustainability* confirms that, although “fossil fuel interests have moved to reframe an old oil extraction technique (“enhanced oil recovery”) as a new climate mitigation method,” they found that this process is “net CO₂ additive: CO₂ emissions exceed removals.”²⁷

Over 90% of liquid CO₂ in the world is currently used for Enhanced Oil Recovery. This is according to the “Global CCS Institute,” an “international think tank” headquartered in Melbourne, Australia.²⁸ The article mentioned, above, states directly that: “Major carbon dioxide capture and pipeline infrastructure projects based on CO₂-EOR [...] benefit the oil and gas industry and oil-producing states.”²⁹ Indeed, an article from 2014 in *The American Oil & Gas Reporter*, says it all in the title: “Industrial CO₂ Supply Crucial for EOR,” stating that, “The main barrier to growth in oil production from CO₂ EOR is insufficient supplies of affordable CO₂. [...] While a number of efforts have been under way to alleviate this supply shortage, new CO₂ supplies are absorbed quickly.”³⁰ Indeed, the article goes on to say that Texas (Navigator’s home base) is working “to encourage increasing CO₂ supplies from industrial sources to serve the EOR market.”³¹

Even most “demonstration” or “pilot” programs are driven by the fossil fuel industry, but one in the US—connected to ADM’s facility in Decatur, Illinois—pursued storage, only.³² This project (which didn’t require much of a pipeline—the company injected the CO₂ onsite) was funded by the federal government to the tune of hundreds of millions of federal tax dollars. From November 2011 to November 2014, they injected liquid CO₂ down into the ground (where, by the way, it doesn’t “just stay put” or solidify into rock—it migrates).³³ And did they lower their greenhouse gas emissions? No. According to data tracked by the EPA, in 2010—the year before carbon capture and sequestration began—their annual Total Facility Emissions in metric tons of CO₂ was 4,431,508. In 2011, the year they began sequestering, it went up to 4,662,337 tons. In fact, every year from 2011 to 2014 (the years of their sequestration project), CO₂ emissions actually increased rather than decreased, peaking at 4,695,431 in 2014. In 2015, when they stopped capturing and sequestering the CO₂, their emissions decreased to 4,462,580.³⁴ You see, the process of capturing, dehydrating, and injecting requires a tremendous amount of energy, and that generates additional CO₂.

The net addition of CO₂ to the atmosphere is not a “public convenience and necessity.”

Do we know, for certain, that Iowa’s CO₂ will be used for enhanced oil recovery? We don’t know for certain, but according to Minnesota Public Radio in 2021, Bruce Rastetter, the head of Summit, admitted that his economic model for the pipelines wouldn’t be viable without federal tax dollars

²⁷ https://www.bu.edu/eci/files/2020/10/2020_Article.pdf
²⁸ <https://co2re.co/facilityData>
²⁹ <https://www.pnas.org/doi/10.1073/pnas.1719695115>
³⁰ <https://www.ogr.com/magazine/editors-choice/industrial-co2-supply-crucial-for-eor>
³¹ *Ibid.*
³² <https://co2re.co/facilityData>
³³ See slides 14–22.
³⁴ <https://ghgdata.epa.gov/ghgpp/service/facilityDetail?0107&id=10056661&ds=EK&cr=Kpopp=true>

Next four pages received by Gayle Palmquist into the Zoning Commission 11/28/22 Minutes.



Dear [redacted]

Thank you for your liability coverage inquiry into the Navigator CO2 pipeline that is expected to run through your property. There is specific exclusions for liability protection involving the release of any contaminants per the following policy language:

Coverage L (Liability) does not apply to:

Bodily Injury or Property Damage arising out of the actual, alleged, or threatened presence, discharge, dispersal, escape, migration, release, seepage or exposure to contaminants or pollutants at or from any source or location. We also do not cover:

Any laws, suits, or expense arising out of any request, demand, order, or writ (court or regulatory) or government that may be issued or others that may require clean up, removal, abatement, repair, cleanup, mitigation, remediation, disposal of, or in any way required to alleviate the effects of contaminants or pollutants.

Any laws, suits, or expense arising out of any claim or suit by or on behalf of a governmental authority or damages because of bearing, for, monitoring, cleaning up, removing, maintaining, emitting, denaturing, neutralizing, immobilizing, disposing of, or in any way responding to or necessary for effects of contaminants or pollutants.

While I am personally not privy to any proposed hold harmless agreements or the contract between the pipeline owners and yourselves, regardless of any agreements in place, there is significant personal liability exposure for yourselves while using your land for farming operations, for your own enjoyment and for your benefit renting the land out for others to do the same.

For example, if you or your tenants or own someone without permission someone to dig, grow, trench and place the pipeline causing a leak, the resulting damage may be signed to be your responsibility.

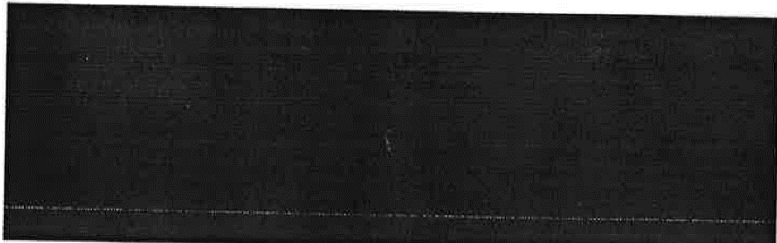
As time passes, nearby landowners may change hands, the pipeline owners and operators may change, future technology may render the pipeline useless or ineffective. All of these factors among others, increase the potential that you may be held personally liable in the future for cleanup, removal and other activities that could cause damage as a result of this pipeline being installed.

As history has proved, any pipeline has a chance to fail, leak and seep resulting in significant damage to life and property. To place this type of risk or burden upon unwilling landowners, like yourselves, is tantamount to placing a risk to your livelihood without your permission.

In summary, having a pipeline running through your property, carrying CO2, a pollutant, subjects you to substantial uninsurable exposure.

Sincerely, [Signature]

State Farm Agent



We've done the research and we oppose pipelines.

Des Moines Register, Sept. 25 2022

We've done the research, and we oppose pipelines



Your Turn

Matt Liebman, Elizabeth Garst and Neil Hamilton
Guest columnists

We are a group of concerned Iowans, farmland owners, academics, non-profit leaders, and environmental advocates who have urged the Iowa Utilities Board to reject permit applications for carbon dioxide pipelines that would run across Iowa. We recognize that climate change is driven by emissions of greenhouse gases, including carbon dioxide, and we support clean, safe, sustainable, and locally controlled and locally owned energy. But we can do better than the proposed pipelines. Science indicates that they are poor investments and unlikely to have a meaningful effect on reducing greenhouse gas emissions.

We filed a letter on July 29, 2022, with the Iowa Utilities Board and laid out four science-based objections to the projects proposed by Summit Carbon Solutions, Navigator CO2 Ventures, and Archer Daniels Midland partnered with Wolf Carbon Solutions. Our objections are based on publicly funded scientific and engineering studies; links to these studies can be found in our letter to the board.

Soil degradation, reduced crop yields. Iowa State University scientists recently published a study that examined crop yields in areas of fields affected by underground oil pipeline construction. They found that subsoil compaction reduced corn yields by 15% and soybean yields by 25% for at least several years after pipeline completion. Farmers are aware of these effects and are reluctant to allow degradation of their land by pipeline construction. To date, at least 40 county boards of supervisors in Iowa have filed objections

See CO2, Page 40P

CO2

Continued from Page 1DP

to the proposed pipelines.

Minor reductions in greenhouse gas emissions. Capturing carbon dioxide generated during the process of fermentation at ethanol plants and then transporting it by pipelines through Iowa and other states and storing it underground would have trivial effects on our nation's carbon dioxide emissions. Carbon dioxide emissions in the U.S. in 2020 were 110 times greater than the amount that might be captured at all our nation's ethanol plants under the most favorable projections.

Carbon dioxide emitted from tailpipes would greatly exceed what pipelines would transport. The use of ethanol in our cars contributes to greenhouse gas emissions, which exacerbate our ever-increasing climate crisis. Tailpipe emissions from U.S. vehicles in

2020 using gasoline blended with 10% ethanol (E10) were almost 25 times greater than the 43 million metric tons of carbon dioxide that could potentially be captured at all the nation's ethanol plants. Because vehicles using ethanol rather than regular gasoline typically get 4% to 5% fewer miles per gallon of fuel consumed, due to the lower energy content of ethanol, carbon dioxide emissions per mile traveled are as high or higher for ethanol blends as for pure gasoline.

Corruption of the ideal of private sacrifice for public good. The power of eminent domain, which allows private land to be condemned, is granted to governments carefully and must be executed carefully. This process should be used only for projects serving substantial public interest. Given the link between soil health, farm productivity, and forest and grassland integrity, a very large benefit to the public should accrue to offset the damage incurred from building private carbon dioxide

Linda D. Applegate, retired USDA/NRCS resource conservationist; Laura Belin, editor and publisher of Bleeding Heartland; Patricia Boddy, retired agricultural engineer; Christine Curry, environmental and conservation advocate; Mike Delaney, professor emeritus of environmental sociology; Des Moines Area Community College; Cornelia B. Flora, distinguished professor of agriculture and life sciences emerita, Iowa State University; Chris Hennig, farm owner and manager; Susan Judkins, conservation advocate; Mary Ellen Miller, Wayne County soil and water conservation district commissioner; David Osterberg, professor emeritus of public health, University of Iowa; Mark Rasmussen, professor emeritus, Iowa State University; Ralph Rosenberg, former executive director, Iowa Environmental Council, and former Iowa state representative and senator; Neil Hamilton is professor and owner. Elizabeth Garst is a conservation farm-land owner. Matt Lieberman is professor emeritus of agronomy at Iowa State University. Elizabeth Garst is a conservation farm-land owner. Neil Hamilton is professor emeritus of agricultural law at Drake University and a Dallas County soil and water commissioner.

Support for this essay is provided by

More opposition to hazardous CO2 pipelines in Woodbury County...

Landowners in Midwestern states are fighting against large corporations to preserve rights and liberties guaranteed in our constitution. CO2 companies want to cash in on billions made available to them by the recent Infrastructure Bill. If allowed, these hazardous pipelines that have no guaranteed results to improve the net effect on the atmosphere will desecrate over 5000 miles of valuable farmland that has taken centuries for nature to build, and ruin some of the most valuable land in the world.

HAZARDOUS CO2 pipelines are not just another pipeline. The enormous pressure necessary to convert the CO2 to a solid for sequestration makes them extremely dangerous. Released CO2 takes as little as four minutes to kill humans and animals. The distance the CO2 could travel is unknown because of many variables, including wind speed, terrain, and weather. In 2020, a rupture in a remote area several miles from the village of Sartaria, Mississippi injured many, resulting in potentially lifelong health problems. There were no deaths, probably because of the distance. The problem, as diagnosed by PHMSA, was heavy rain on a highly erodible slope.

Neither PHMSA or Iowa have regulations for CO2 pipelines. PHMSA estimates two years to make regulations and rules. The pipelines are trying to rush the approval of their pipelines to be "grandfathered" in. Private pipeline companies seeking private gains are threatening to use eminent domain, traditionally used for projects benefiting the general populace, i.e. highways, schools, hospitals, utilities, etc. Approval by the Iowa Utilities Board would cause danger to thousands of people and animals plus thousands of acres of compromised Midwestern farmland. No public good will come from building these pipelines.

Sequestration isn't a proven science. Approximately 80% of projects have failed. Called "expensive failures", efforts have resulted in more CO2 released in the construction/operation than was sequestered, for a net loss. Examples: Chevron in Australia and Shell in Canada. A short line in Texas was recently closed. Experts at Iowa's state universities and the DNR have voiced concerns about the affect of hazardous pipelines on water supplies, energy, land and people. Crop yields, water sources, and infrastructure such as tile, irrigation systems, and terraces will never be the same.

Everyone should be concerned with who's behind these pipelines and who will profit from them. "The Kingmaker", Bruce Rastetter of Adel, Iowa, the force behind Summit, has donated hundreds of thousands of dollars to various politicians, including Governor Reynolds, Governor Noem, the Grassley family, and others, including at least one member of the IUB. Reynolds set up a task force with many members whose corporations will benefit from these pipelines.

Insurance companies are refusing to cover CO2 losses for customers. Farmers would have no liability coverage, leaving tenants and owners very vulnerable. CO2 pipelines will have a detrimental effect on land values. Future development in Woodbury County will be harmed, especially along HWY 20, Interstate 29 and HWY 75. Less tax money for the county and decreased money for sellers of land. When CO2 enters the water supply, it will turn our aquifers and wellwater into carbonic acid, not fit for man, beast or crops. Smaller, shallower aquifers are not uncommon in NW Iowa. Local EMR teams are not staffed, trained, or equipped to deal with CO2 eruptions. One hazmat team in NW Iowa is responsible for 7 counties. Gas powered vehicles will not run in a CO2 plume and Summit has refused to release a plume study requested by the IUB. These companies have been anything but transparent with landowners and the IUB, dodging requests from the IUB and lying to and bullying landowners.

Think it doesn't involve you? Guess again. Your taxes are supporting unproven, dangerous pipelines. Approval of Eminent Domain use will set a dangerous precedent. Other pipelines are watching, waiting to be next in line to use your money and control your property. Call our supervisors, sign petitions, put a sign up, write to the IUB, attend hearings and other meetings!

It is time to protect citizens -- not to cave in to corporations. Don't sign easements; the problems created by these pipelines will long outlast any amount of money they promise you! If Eminent Domain is used it will be detrimental to all.

11-24-22 Gayle Wilcox Palmquist
Iowa Record Lawton, Iowa



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

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

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

PRELIMINARY REPORT – FEBRUARY 22, 2023

MAXYS FAMILY FARM LLC / BRIAN AND BONNIE IVENER TRUST BARKER ADDITION - MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS:	PROPERTY DETAILS:	TABLE OF CONTENTS:
Owner(s): Maxys Family Farm LLC; Ivener Brian & Bonnie Trust Application Type: Minor Subdivision (6 Lots) Subdivision Name: Barker Addition Application Date: 1/31/23 Subdivision Area: 13.26 Total Acres Legal Notice Date: February 11, 2023 Stakeholder (1000') Letter Date: February 10, 2023 Zoning Commission Public Hearing Date: February 27, 2023 Board of Supervisors Agenda Date: To be determined.	Parcel(s): 874704300003 Township/Range: T87N R47W (Liberty Township) Section: 4 Quarter: SW ¼ SW ¼ Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A – General Floodplain Address: None	Summary, Aerial, Plat Excerpt & Recommendation Application Final Plat Review Criteria Extra Territorial Review Legal Notification Adjacent Owners' Notification Stakeholder Comments Supporting Documentation

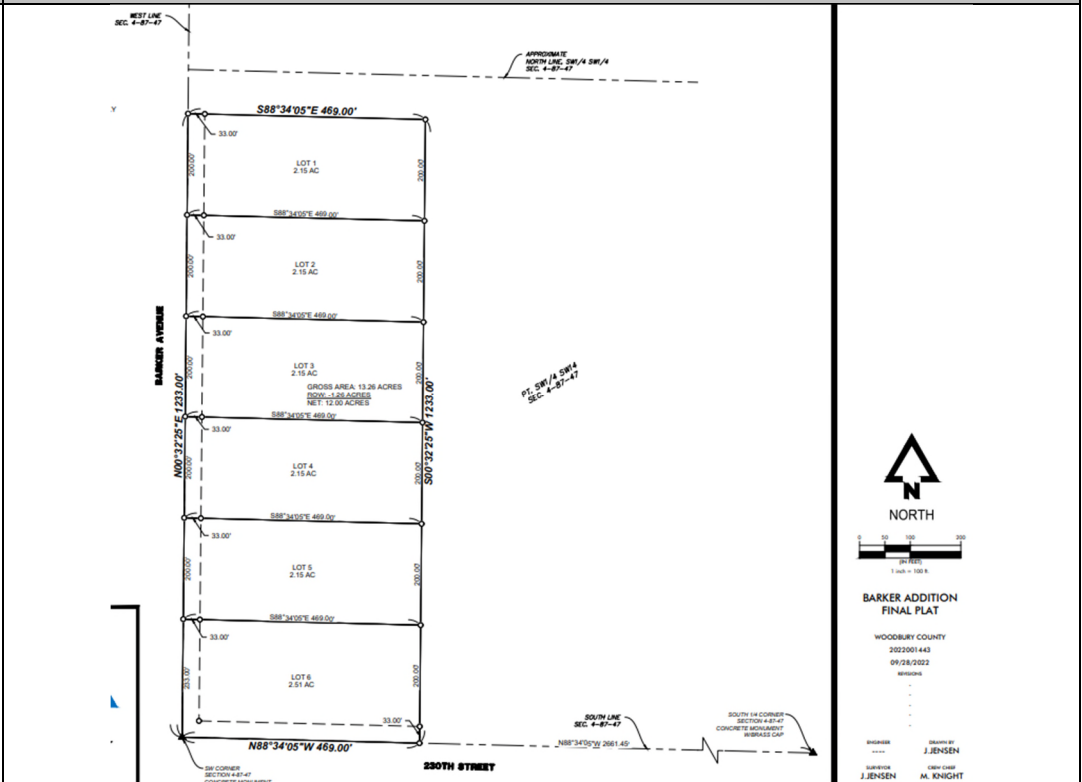
SUMMARY

Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust have filed for a six (6) lot minor subdivision on the property identified as Parcel #874704300003 and referenced above. This subdivision proposal is being presented concurrently with a Zoning Ordinance Map Amendment (Rezone) from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District. Both proposals have been properly noticed in the Sioux City Journal Legals Section on February 11, 2023. The neighbors within 1000 FT have been duly notified via a February 10, 2023 letter about the February 27, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review, as required by Iowa Code 354.9, was waived by the City of Sergeant Bluff with the adoption of Resolution 23-01 on January 10, 2023. A small portion of the property that is not in any buildable area is located in the Special Flood Hazard Area (Zone A – Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal with the condition that the property owner sign pavement agreements for any future paving along Barker Avenue and 230th Street.

AERIAL MAP



PLAT EXCERPT



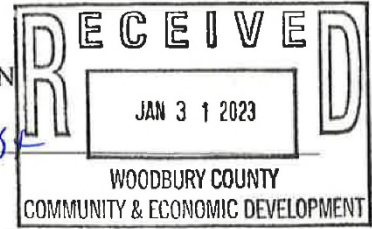
STAFF RECOMMENDATION

Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign pavement agreements for any future grading and hard surfacing and pavement along Barker Avenue and 230th Street.

Suggested Motion: Motion to recommend the approval of the *Barker Addition* to the Board of Supervisors with the condition that the property owner(s) sign pavement agreement(s) for any future grading and hard surfacing and pavement along Barker Avenue and 230th Street.

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION



Applicant: Dolf Ivener Brian Bonnie Ivener Trust
Name of Owner

Mailing Address: 3400 Talbot Rd Sioux City, IA 51103
Street City or Town State and Zip + 4

Property Address: Sergeant Bluff, IA 51054
Street City or Town State and Zip + 4

Ph/Cell #: 712-251-9967 E-mail Address: dolfivener@gmail.com

To subdivide land located in the SW Quarter of Section 4

Civil Township 87-47 GIS Parcel # 874704300003

Name of Subdivision: BARKER ADDITION

Subdivision Area in Acres 13.26 Number of Lots 5

Attachments:

1. Ten (10) copies of grading plans; if required.
2. Ten (10) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: Justin Jensen Ph/Cell: 515-450-9199

Attorney: Ryan Ross Ph/Cell: 712-259-3563

I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: *Brian Ivener*

Zoning Director: *[Signature]*
Coordinator

For Office Use Only:

Zoning District AP Flood District X/A Date 1-31-23 No 6832

Application Fee
4 Lots or less (\$200) _____
5 Lots or more (\$250 plus \$5 per lot) 6 LOTS \$300.00 CLK#

Maxys Family Farm LLC (Dolf Ivener) 84083
Brian and Bonnie Ivener Trust

MEMBER RESOLUTION
MAXYS FAMILY FARM, L.L.C.

Upon motion duly made and seconded, the following resolution was adopted:

RESOLVED, that the undersigned, being all the members of Maxys Family Farm, L.L.C., an Iowa limited liability company (the "Company") authorize member Dolf A. Ivener ("Dolf") to execute and deliver the plat of Barker Addition, Woodbury County, Iowa, ("Barker Subdivision") to the Woodbury County Recorder's Office. Said Barker Subdivision is a subdivision of the following legally described real estate:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THE SOUTH ONE THOUSAND TWO HUNDRED THIRTY-THREE FEET (1,233.00') OF THE WEST FOUR HUNDRED SIXTY-NINE FEET (469.00') OF SECTION FOUR, TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST.

DESCRIBED PARCEL CONTAINS 13.27 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT-OF-WAY.

FURTHER RESOLVED, that Dolf is hereby fully authorized for and on behalf of the Company to take any and all such action as he shall deem appropriate with regard to the establishment of Barker Subdivision, including but not limited to executing and delivering other documents and instruments from time to time.

The foregoing Resolution was approved on December 12, 2022, at a duly convened meeting of the Members of the Company. This Resolution may be executed in multiple counterparts, each of which shall be considered an original copy of the Resolution.

MEMBERS


Dolf A. Ivener


Serra-Lesa Ivener


Gina R. Bernstein

INDEX LEGEND
CITY: SERGEANT BLUFF
COUNTY: WOODBURY
TRS: SECTION 4, T87N, R47W
ALIQUOT PART: SW1/4 SW1/4
PROPRIETOR: MAXY'S FAMILY FARM LLC
REQUESTED BY: DOLF IVENER
SURVEYOR: JUSTIN JENSEN
COMPANY: MCCLURE
RETURN TO: JUSTIN JENSEN 705 1ST AVENUE NORTH FORT DODGE, IOWA 50501 / 515-576-7155

DEDICATION:

MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY IS AN OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF JUSTIN S. JENSEN, PLS, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS BARKER ADDITION, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____, IOWA THE _____ DAY OF _____, 2023.

BY: _____
DOLF IVENER, MEMBER

STATE OF IOWA
SS.
COUNTY OF WOODBURY

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DOLF A. IVENER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY (SWORN OR AFFIRMED) DID SAY THAT THAT PERSON IS A MEMBER OF SAID MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY, THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY, BY AUTHORITY OF ITS MEMBERS AND THE SAID DOLF A. IVENER, MEMBER, ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

DEDICATION:

THE BRIAN AND BONNIE IVENER TRUST UTD JULY 6, 2006, IS AN OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AS SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF JUSTIN S. JENSEN, PLS, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS BARKER ADDITION, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____, IOWA THE _____ DAY OF _____, 2023.

BY: _____
BRIAN IVENER, TRUSTEES

BY: _____
BONNIE IVENER, TRUSTEES

STATE OF _____
SS.
COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE OF _____, PERSONALLY APPEARED BRIAN IVENER AND BONNIE IVENER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DID SAY THAT THE PERSON IS THE TRUSTEES OF THE BRIAN AND BONNIE IVENER TRUST UTD JULY 6, 2006, THE TRUSTEES EXECUTING THE FOREGOING INSTRUMENT, AS THAT THEY AS THAT TRUSTEES ACKNOWLEDGED EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE TRUST BY IT AND BY THE TRUSTEES VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA :
: SS
COUNTY OF WOODBURY :

DOCKET NO: _____

FILED FOR RECORD, THIS _____ DAY OF _____, 2023, AT _____ O'CLOCK _____ M. RECORDED IN

PLAT ENVELOPE _____, INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF

WOODBURY COUNTY, IOWA.

DATED _____, 2023

PATRICK F. GILL, AUDITOR AND RECORDER, WOODBURY COUNTY, IOWA
BY: DIANE SWOBODA PETERSON, DEPUTY

CERTIFICATE OF COUNTY ASSESSOR:

I, JULIE CONOLLY, DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 2023, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED _____

JULIE CONOLLY
WOODBURY COUNTY ASSESSOR

BARKER ADDITION WOODBURY COUNTY, IOWA FINAL PLAT

BASIS OF BEARINGS

IOWA REGIONAL COORDINATE SYSTEM - ZONE 4

NOTICE:

THE CITY COUNCIL OF SERGEANT BLUFF, IOWA, PURSUANT TO AUTHORITY GRANTED IN IOWA CODE SECTION 354.9, WAIVED THE CITY'S REVIEW AND APPROVAL OF THE FINAL PLAT OF THE BARKER ADDITION MINOR SUBDIVISION, AS WOULD OTHERWISE BE REQUIRED BY THE CITY'S CODE OF ORDINANCES, WITH THE ADOPTION OF RESOLUTION NO. 23-01 ON THE 10TH DAY OF JANUARY, 2023.

TITLE OPINION

WE HAVE THIS DATE EXAMINED A COMPLETE ABSTRACT TO TITLE, PURSUANT TO IOWA CODE SECTION 354.11(1)(C) TO PROPERTY WHICH INCLUDES IN ITS ENTIRETY, PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THE PLAT OF: BARKER ADDITION, WOODBURY COUNTY, IOWA LAST CERTIFIED BY ENGLESON ABSTRACT CO., INC., DATED _____, 2023 AT 8:59 A.M. AND FROM SAID ABSTRACT FIND GOOD AND MERCHANTABLE TITLE TO SAID PREMISES VESTED IN MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY AND BRIAN AND BONNIE IVENER TRUST UTD JULY 6, 2006 SUBJECT TO THE FOLLOWING, LIENS, LIMITATIONS AND EXCEPTIONS:

1. ALL CERTIFIED REAL ESTATE TAXES AND SPECIAL ASSESSMENTS DUE AND PAYABLE HAVE BEEN PAID. REAL ESTATE TAXES AND SPECIAL ASSESSMENTS NOT CERTIFIED ARE A LIEN IN AN UNDETERMINED AMOUNT.

DATED: _____, 2023.

RYAN C. ROSS
ATTORNEY AT LAW

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, TINA BERTRAND, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED _____, 2023.

TINA BERTRAND, TREASURER WOODBURY COUNTY, IOWA
AUDITOR'S APPROVAL OF SUBDIVISION NAME

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF THE ATTACHED SUBDIVISION PLAT AS REQUIRED BY IOWA CODE SECTION 354.6(2).

DATED _____, 2023.

PATRICK F. GILL, AUDITOR AND RECORDER, WOODBURY COUNTY, IOWA
BY: DIANE SWOBODA PETERSON, DEPUTY

COUNTY ENGINEER'S CERTIFICATE

I, MARK J. NAHRA, P.E., COUNTY ENGINEER FOR WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE BOUNDARY LINES OF THE PLAT AND LOTS THEREIN WERE MATHEMATICALLY CHECKED AND CONFORM WITH THE REQUIREMENTS AS PROVIDED FOR IN THE SUBDIVISION ORDINANCE AND THAT ALL DIMENSIONS BOTH LINEAR AND ANGULAR NECESSARY FOR THE LOCATION OF LOTS, TRACTS, STREETS, AND EASEMENTS, ARE SHOWN.

DATED _____, 2023.

MARK NAHRA, P.E., COUNTY ENGINEER FOR WOODBURY COUNTY, IOWA

RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA:

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF BARKER ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE _____ DAY OF _____, 2023 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS _____ DAY OF _____, 2023.

CHRISTINE ZELLMER ZANT
CHAIRMAN
WOODBURY COUNTY ZONING COMMISSION OF
WOODBURY COUNTY, IOWA

BOARD OF SUPERVISORS RESOLUTION:

RESOLUTION ACCEPTING AND APPROVING BARKER ADDITION, WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNER AND PROPRIETORS DID ON THE _____ DAY OF _____, 2023 FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS BARKER ADDITION, WOODBURY COUNTY, IOWA; AND

WHEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE FILING OF SAME; AND

WHEREAS, THE ZONING COMMISSION OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT; AND

WHEREAS, THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT THE PLAT OF BARKER ADDITION, WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRMAN AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNERS AND PROPRIETORS A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023

MATTHEW UNG
CHAIRMAN
BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST:

PATRICK F. GILL
SECRETARY



617 Pierce Street, Ste 201
Sioux City, Iowa 51101
712-224-4613
fax 515-576-4235

SURVEYOR'S CERTIFICATE

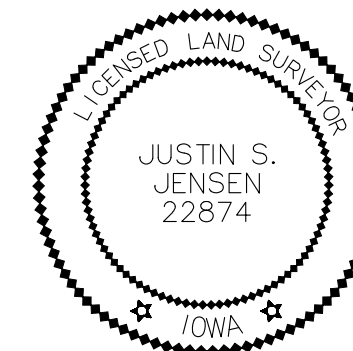
I, JUSTIN S. JENSEN, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 22874, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF HUSEN ADDITION, WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECTION SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE THE DIMENSIONS, NUMBERS, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT WERE DRIVE AT EACH CORNER OF EVERY LOT AND TRACT EXCEPT AS NOTED ON SAID PLAT.

DATED AT _____

JUSTIN S. JENSEN
IOWA NO. 22874

LICENSE RENEWAL DATE: DECEMBER 31, 2024.



**BARKER ADDITION
FINAL PLAT**

WOODBURY COUNTY

2022001443

01/01/2023

REVISIONS

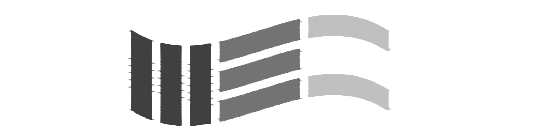
- .
- .
- .
- .

ENGINEER DRAWN BY
---- J. JENSEN

SURVEYOR CREW CHIEF
J. JENSEN M. KNIGHT

DRAWING NO. SHEET NO.

FP-01 01/03



McCLURE™

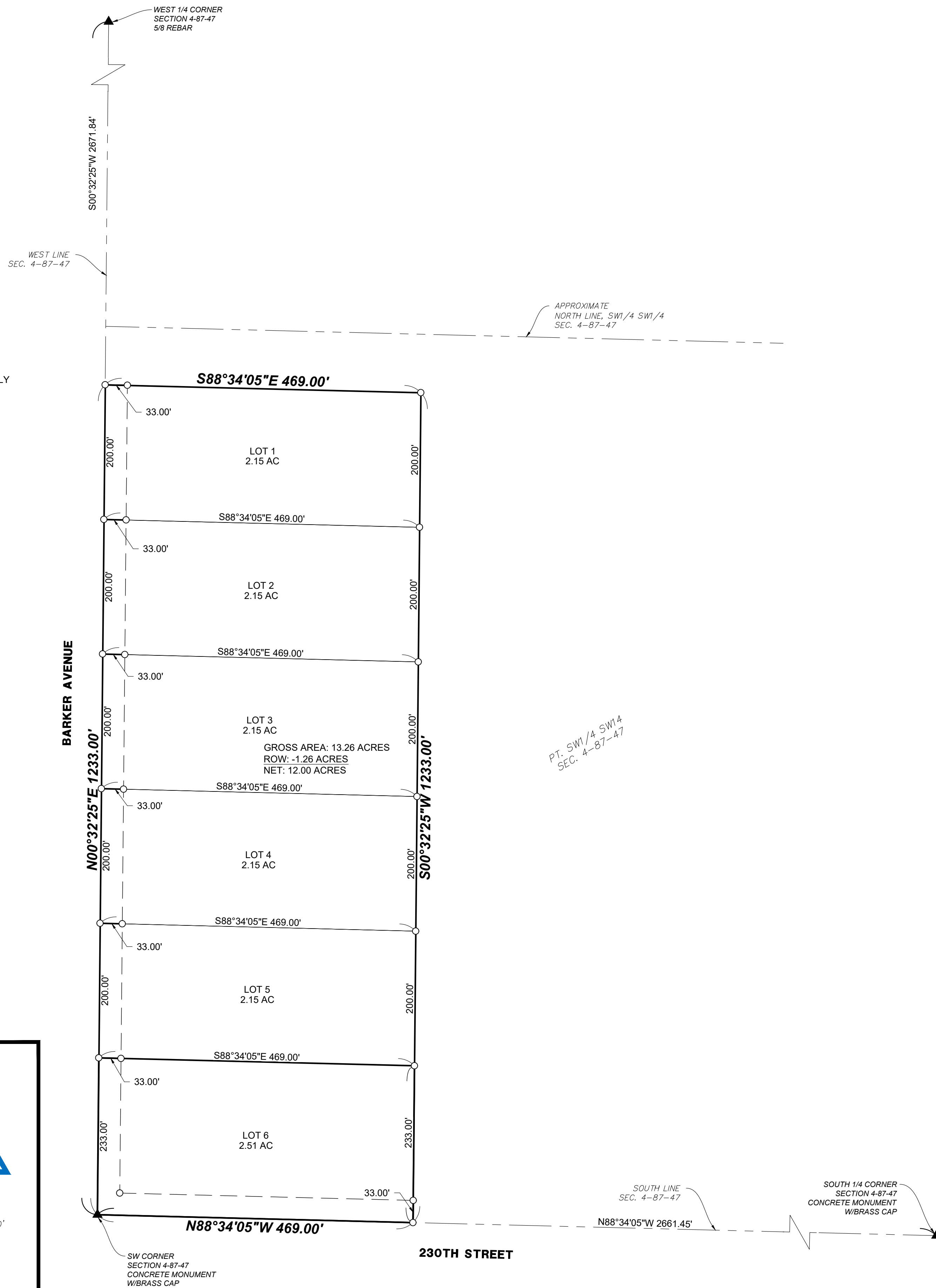
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617 Pierce Street, Ste 201
Sioux City, Iowa 51101
712-224-4613
fax 515-576-4235

SURVEYOR'S DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

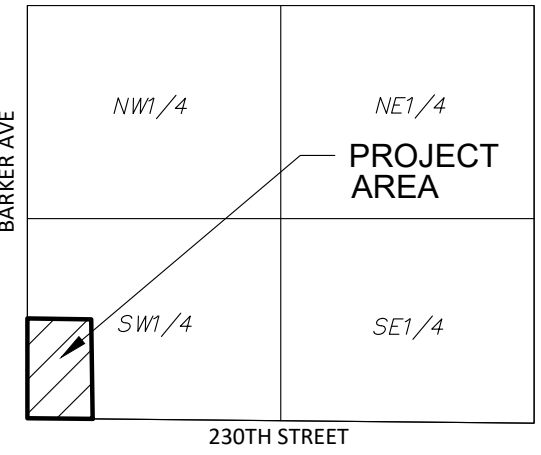
THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT OF WAY.



DRAWING PATH: P:\2022001443-000\06-Drawings\Survey\Barker Subdivision.dwg PLOT DATE: 02/14/2023 9:15 AM PLOTTED BY: STEVE KAISER

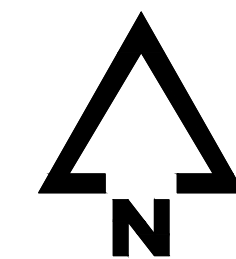
GENERAL LEGEND

- SURVEY BOUNDARY
 - PROPOSED LOT
 - EXIST PROPERTY LINE
 - SECTION LINE
 - R.O.W. LINE
 - PROPOSED EASEMENT
 - EXIST EASEMENT
 - AREA BELOW BASE FLOOD ELEVATION
- MONUMENTS FOUND:
- ▲ SECTION CORNER (TYPE AS NOTED)
- MONUMENTS SET:
- △ SECTION CORNER 1/2" REBAR W/GPC #22874
 - MAG NAIL
 - ⊗ 1/2" REBAR W/GPC #22874
- FND FOUND
PC PLASTIC CAP
BK PG BOOK AND PAGE
(M) MEASURED, RECORDED
R.O.W. RIGHT-OF-WAY
P.U.E. PUBLIC UTILITY EASEMENT
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

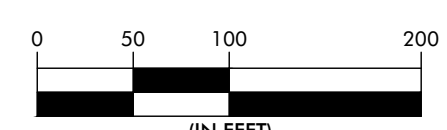


SCALE: 1"=2000'

VICINITY MAP
SEC. 4-87-47



NORTH

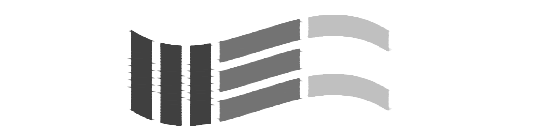


**BARKER ADDITION
FINAL PLAT**

WOODBURY COUNTY
2022001443
09/28/2022
REVISIONS

ENGINEER	DRAWN BY
---	J.JENSEN
SURVEYOR	CREW CHIEF
J.JENSEN	M. KNIGHT

DRAWING NO.	SHEET NO.
FP-01	02/03



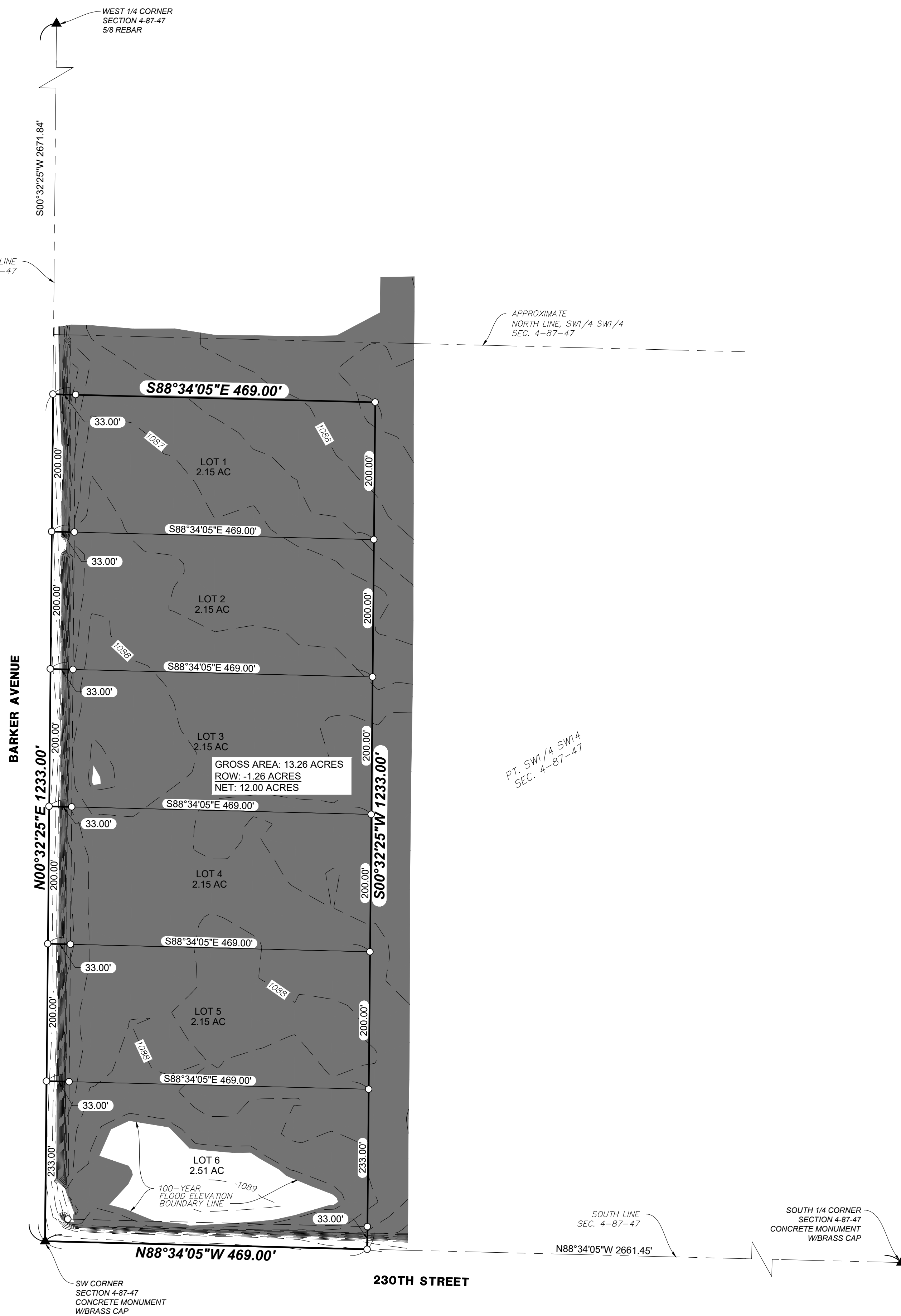
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Sioux City, Iowa 51101
712-224-4613
fax 515-576-4235

FLOOD PLAIN
ON DECEMBER 9TH, 2022, THE 100-YEAR FLOOD ELEVATION OF 1088.60' FOR THE PROPERTY WAS DETERMINED BY:

MEESHA LEGG
IOWA DNR, FLOOD PLAIN MANAGEMENT AND DAM SAFETY SECTION
WALLACE STATE OFFICE BUILDING
502 EAST 9TH STREET
DES MOINES, IA 50319



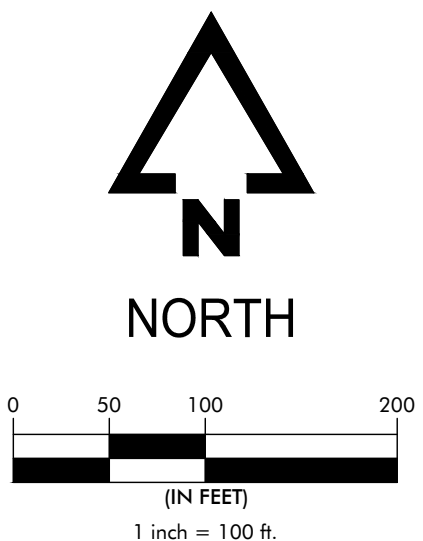
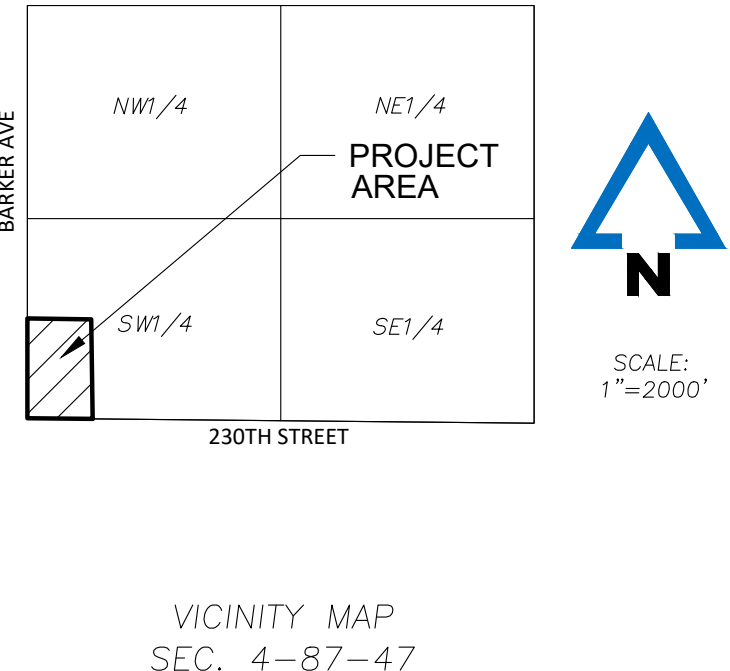
GENERAL LEGEND

---	SURVEY BOUNDARY
---	PROPOSED LOT
---	EXIST PROPERTY LINE
---	SECTION LINE
---	R.O.W. LINE
---	PROPOSED EASEMENT
---	EXIST EASEMENT
---	AREA BELOW BASE FLOOD ELEVATION

MONUMENTS FOUND:
▲ SECTION CORNER (TYPE AS NOTED)

MONUMENTS SET:
△ SECTION CORNER
○ 1/2" REBAR W/GPC #22874
○ MAG NAIL
⊗ 1/2" REBAR W/GPC #22874

FND FOUND
PC PLASTIC CAP
BK PG BOOK AND PAGE
(M) MEASURED, RECORDED
R.O.W. RIGHT-OF-WAY
P.U.E. PUBLIC UTILITY EASEMENT
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT



**BARKER ADDITION
FINAL PLAT**
FLOOD INFORMATION
WOODBURY COUNTY
2022001443
09/28/2022
REVISIONS

ENGINEER: J. JENSEN
DRAWN BY: J. JENSEN
SURVEYOR: J. JENSEN
CREW CHIEF: M. KNIGHT
DRAWING NO.: FP-01
SHEET NO.: 03/03

DRAWING PATH: P:\2022001443-000\06-Drawings\Survey\Barker Subdivision.dwg PLOT DATE: 02/14/2023 9:15 AM PLOTTED BY: STEVE KAISER

CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)	
The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff:	
	shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
	Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends approval of the final plat.
ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)	
The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:	
	shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and
	It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign pavement agreement(s) for any future grading and hard surfacing and pavement along Barker Avenue and 230 th Street. Staff does not recommend any additional conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.
	shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

EXTRATERRITORIAL REVIEW
This minor subdivision process requires extraterritorial review under Iowa Code, Section 354.9. The City of Sergeant Bluff waived their right to extraterritorial review with the passage of Resolution No. 23-01 that was passed and approved on the 10 th day of January, 2023.

RESOLUTION NO. 23-01

A RESOLUTION WAIVING THE SERGEANT BLUFF CITY COUNCIL'S RIGHT TO REVIEW AND APPROVE A SUBDIVISION TO BE KNOWN AS BARKER ADDITION LOCATED OUTSIDE CITY LIMITS IN WOODBURY COUNTY, IOWA

WHEREAS, the owner of property legally described as set forth on Exhibit "A" in the County of Woodbury and the State of Iowa has advised the City of Sergeant Bluff of plans for a Subdivision of the property to be named BARKER ADDITION; and

WHEREAS, the property is located in Liberty Township, Woodbury County, Iowa within the two mile radius of the City of Sergeant Bluff, Iowa's incorporated limits; and

WHEREAS, Sergeant Bluff has established by ordinance pursuant to Iowa Code section 354.9 jurisdiction to govern the division of land within a two mile radius of the City's corporate limits; and

WHEREAS, the property owner will be completing a subdivision review including submitting the Final Plat of BARKER SUBDIVISION to the Woodbury County Planning and Zoning Commission for compliance with Woodbury County, Iowa's subdivision ordinance for rural subdivisions; and

WHEREAS, the City Council of the City of Sergeant Bluff, Iowa acknowledges that the storm sewer, water, and sanitary sewer utilities requirements for the subdivision are not connected to services of the City nor are required for the development of the subdivision; and

WHEREAS, the City Council further acknowledges the proposed subdivision's close proximity to existing Woodbury County residential development and is satisfied that the proposed subdivision is compatible with the similar division and use of property within the nearby residential lots along Barker Ave and 230th Street; and

WHEREAS, Iowa Code section 354.9 authorizes the City to waive by resolution its right to review and approve a subdivision within a two mile radius of the City's boundaries if the property is in unincorporated area of Woodbury County which has adopted an ordinance governing the division of land; and

WHEREAS, the Planning & Zoning Commission recommended to the City Council to waive the subdivision rules for the BARKER SUBDIVISION at their August 2, 2022 meeting; and

WHEREAS, the City Council of the City of Sergeant Bluff, Iowa has considered the proposed subdivision for the legally described area above and is satisfied that a subdivision review and approval by the City of Sergeant Bluff is not needed for the proposed development.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council of the City of Sergeant Bluff, Iowa, pursuant to authority granted in Iowa Code section 354.9, hereby waives the City's review and approval the Final Plat of the BARKER SUBDIVISION as would otherwise be required by the City's Code of Ordinances.

2. The Mayor is authorized to sign a Certified Resolution on behalf of the City of Sergeant Bluff, Iowa in connection with the BARKER SUBDIVISION for recording with the Woodbury County Recorder.

Council Member Ron Hanson introduced the resolution and moved that said resolution be adopted; seconded by Council Member Carol Clark and after due consideration thereof by the Council, the Mayor put the question on the motion and, the roll being called, the following named Council Members voted:

	Aye	Nay	Absent	Abstain
Hanson	X			
Gaukel	X			
Johnson	X			
Clark	X			
Linafelter	X			

PASSED AND APPROVED this 10th day of January, 2023.



Mayor

Attest:



City Clerk

I, Danny Christoffers, City Clerk, do hereby certify that the foregoing Resolution 23-01 was duly and properly adopted by the City Council of the City of Sergeant Bluff, Iowa at its regular meeting the 10th day of January 2023.



CITY CLERK

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE THOUSAND TWO HUNDRED THIRTY-THREE FEET (1,233.00') OF THE WEST FOUR HUNDRED SIXTY-NINE FEET (469.00') OF SECTION FOUR, TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST.

DESCRIBED PARCEL CONTAINS 13.27 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT-OF-WAY.

LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING

The Public Hearing Legal Notification was published in the Sioux City Journal Legals Section on Saturday, February 11, 2023.

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 56254

Subscribed and sworn before me in Sioux City, in said County,

this 13 day of February, 2023.

Micahene Graham

Sherrie Kilts Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 02/11/2023

TOTAL AD COST: 47.43

FILED ON: 2/13/2023

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) AND FOR A MINOR SUBDIVISION
WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on February 27, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 516 721 1354 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Doll Ivener on behalf of the Maxys Family Farm, L.L.C. and the Brian and Bonnie Ivener Trust.

The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 13.26-acres located on Parcel #874704-300003 in the SW 1/4 of the SW 1/4 of Section 4, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is described as:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST, DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT OF WAY.

Owner(s)/Applicant(s): Doll Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

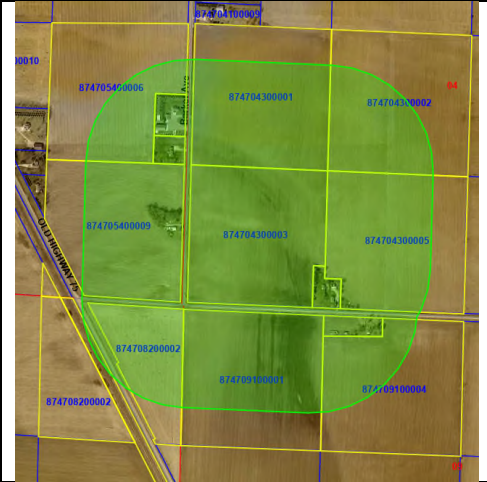
Item Two (2)
PROPOSED MINOR SUBDIVISION: To be known as the Barker Addition, a six-lot minor subdivision in a 13.26-acre portion of Section 4, T87N R47W (Liberty Township) in the SW 1/4 of the SW 1/4 on Parcel #874704300003. The parent parcel is located about 0.5 miles east of Sergeant Bluff. The property is located in the Agricultural Preservation (AP) Zoning District. A portion of the property is located in the Special Flood Hazard Area (Zone A - Floodplain). Owner(s)/Applicant(s): Doll Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The **nine (9)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **February 10, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **February 27, 2023**.

As of **February 22, 2023**, the Community and Development office has received the following comments. The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



PROPERTY OWNER(S)	ADDRESS	CITY	STATE	ZIP	COMMENTS
Maxys Family Farm LLC & Brian and Bonnie Ivener Trust	3701 Cheyenne Blvd	Sioux City	IA	51104	No comments.
Todd M. Hostetler and Christina M. Hostetler	1419 230th St.	Sergeant Bluff	IA	51054	No comments.
Phillip Freiberg and Stephanie Freiberg	2266 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments.
Glenn J. Kasik and Teresa R. Kasik	2251 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Loren L. Schroeder and Pamel K. Schroeder	2277 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Carolyn Blighton	22 Sunnyview Drive	Suffield	CT	6078	No comments.
Union Pacific Railroad	1400 Douglas STOP 1640	Omaha	NE	68179-1640	No comments.
Brian Krogh and Aimee Krogh	2381 Port Neal Road	Sergeant Bluff	IA	51054	No comments.
Mark S. Godfredson	2359 Barker Ave.	Sergeant Bluff	IA	511054	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
CITY OF SERGEANT BLUFF:	Extraterritorial Review Waived.
FARMERS DRAINAGE DISTRICT:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have review the following proposed rezoning for MEC electric. We have no conflicts, but the developer should be aware that the proposed subdivision is not in MEC service territory. Let me know if you have any questions and have a great weekend! – Casey Meinen, 2/2/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC "gas" either. – Tyler Ahlquist, 2/2/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 2/8/23.
NUSTAR PIPELINE:	NuStar does not have any issues with the request. – Matt McGee, 2/14/23.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	First off, I wanted to inform you that Paige is no longer with SDHD. At this time, all calls/emails/questions can be directed to myself. Second, after review of this rezoning, our Department would like acknowledge that due to the parcel located in a Flood Plain and previous on-site septic installations they will need to be aware that it is likely that either an oversized soil based system or an alternative system will be required for each property. This may affect the lot sizes with the installation of a private well. Thanks and please call with any questions. – Ivy Bremer, 2/6/23.
UNION PACIFIC RAILROAD:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW.
WOODBURY COUNTY RECORDER:	I see no issues. – Diane Swoboda Peterson, 2/3/23.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments on this proposal. – Neil Stockfleth, 2/3/23.
WOODBURY COUNTY TREASURER:	The taxes are not current. There is \$592.00 owed for the March 2023 payment. – Kimberlee Koepke, 2/2/23.



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: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: February 9, 2023

Subject: Barker Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated June 30, 2022.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa. I did note a typographic error on the east line of Lot 6 in the plat where the line was labeled 200.00 feet. It should be corrected to read 233.00 feet.
- I reviewed the individual lots for access. Driveways can be located anywhere along the frontage of the subdivision. Either the developer or the purchasers of the lot will need to contact the county engineer's office for a driveway permit prior to constructing a driveway into each lot. Only one driveway is allowed per lot according to county driveway policy.
- This subdivision approval should include a paving agreement as part of the paperwork. Other Barker Avenue residents to the north of the new subdivision have expressed an interest in paving their road, similar to the paving planned for 220th Street at the north end of this road segment. The lots should be asked to participate in the cost of future paving as we have done with other subdivisions in the area.
- I have no other concerns or issues with this minor subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Cc: File

REVISION TO ADDRESS COUNTY ENGINEER'S MEMO

Daniel Priestley

From: Mark Nuhra
Sent: Tuesday, February 14, 2023 3:14 PM
To: Daniel Priestley
Subject: RE: Final Plat Correction

Looks good. Everything else on the plat had checked out, so hopefully this is the only change they made.

Mark J. Nuhra, P.E.
Woodbury County Engineer
759 E. Frontage Road
Mouille, IA 51039
Phone: 712-873-3215 or 712-279-6484
Fax: 712-873-3235
Email: mnuhra@woodburycountyiowa.gov

From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Tuesday, February 14, 2023 11:40 AM
To: Mark Nuhra <mnuhra@woodburycountyiowa.gov>
Subject: Fwd: Final Plat Correction

Mark,

The revised plat is attached with the corrected distance to Lot 6.

Thanks,

Dan Priestley, Zoning Coordinator
Community & Economic Development
Woodbury County Courthouse
620 Douglas Street, 6th Floor
Sioux City, IA 51101
Office: (712) 279-6609
Fax: (712) 279-6630
Email: dpriestley@woodburycountyiowa.gov
Web: www.woodburycountyiowa.gov

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From: Justin Jensen <jjensen@mcclurevision.com>
Sent: Tuesday, February 14, 2023 11:37:41 AM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: RE: Final Plat Correction

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 WKCC and DO NOT ENTER any data.**

Daniel,
Please see the attached updated subdivision.
Thanks,

1



IA, NE, SD

From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Monday, February 13, 2023 4:32 PM
To: Justin Jensen <jjensen@mcclurevision.com>
Subject: Final Plat Correction

Justin,

We received the attached comments from the County Engineer regarding the final plat. Please note, there will need to be a correction. See attached comments:

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa. I did note a typographic error on the east line of Lot 6 in the plat where the line was labeled 200.00 feet. It should be corrected to read 233.00 feet.
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- This subdivision approval should include a paving agreement as part of the paperwork. Other Barker Avenue residents to the north of the new subdivision have expressed an interest in paving their road, similar to the paving planned for 220th Street at the north end of this road segment. The lots should be asked to participate in the cost of future paving as we have done with other subdivisions in the area.
- I have no other concerns or issues with this minor subdivision application.

Please correct and send me an updated digital version of the plat.

Thanks,

Daniel J. Priestley, MPA - Zoning Coordinator
Woodbury County Community & Economic Development
620 Douglas Street, 6th Floor
Sioux City, IA 51101
Office: (712) 279-6609
Fax: (712) 279-6630
Email: dpriestley@woodburycountyiowa.gov
Web: www.WoodburyCountyCED.com

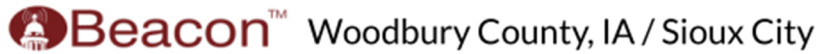
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2

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3

PARCEL REPORT



Summary

Parcel ID 874704300003
Alternate ID 767055
Property Address N/A
Sec/Twp/Rng 4-87-47
Brief Tax Description EX 1 A IN SE COR SW SW 4-87-47
(Note: Not to be used on legal documents)
Deed Book/Page [2021-06042 \(5/6/2021\)](#)
Gross Acres 37.08
Net Acres 37.08
Adjusted CSR Pts 2456.78
Zoning AP - AGRICULTURAL PRESERVATION
District 0038 LIBERTY/SB/L
School District SGT BLUFF LUTON
Neighborhood N/A

Owner

Deed Holder
[Maxys Family Farm LLC](#)
[3701 Cheyenne Blvd](#)
 Sioux City IA 51104

[Ivener Brian & Bonnie Trust](#)
[3701 Cheyenne Blvd](#)
 Sioux City IA 51104

Contract Holder
Mailing Address
 Michael Or Gina Bernstein
 8 Crestwood Dr
 Saint Louis MO 63105

Land

Lot Area 37.08 Acres : 1,615,205 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
2/5/2021	IVENER MAX & FRANCYS FAMILY TRUST	MAXYS FAMILY FARM LLC	2021-06042	No consideration	Deed		\$0.00
2/5/2021	IVNER MAX & FRANCYS FAMILY TRUST	MAXY FAMILY FARM LLC	2021-03169	Normal	Deed	Y	\$2,568,000.00

Show There are other parcels involved in one or more of the above sales:

Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

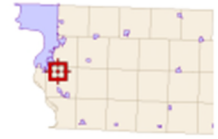
[Apply for Homestead, Military or Business Property Tax Credits](#)

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Photos, Sketches.

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

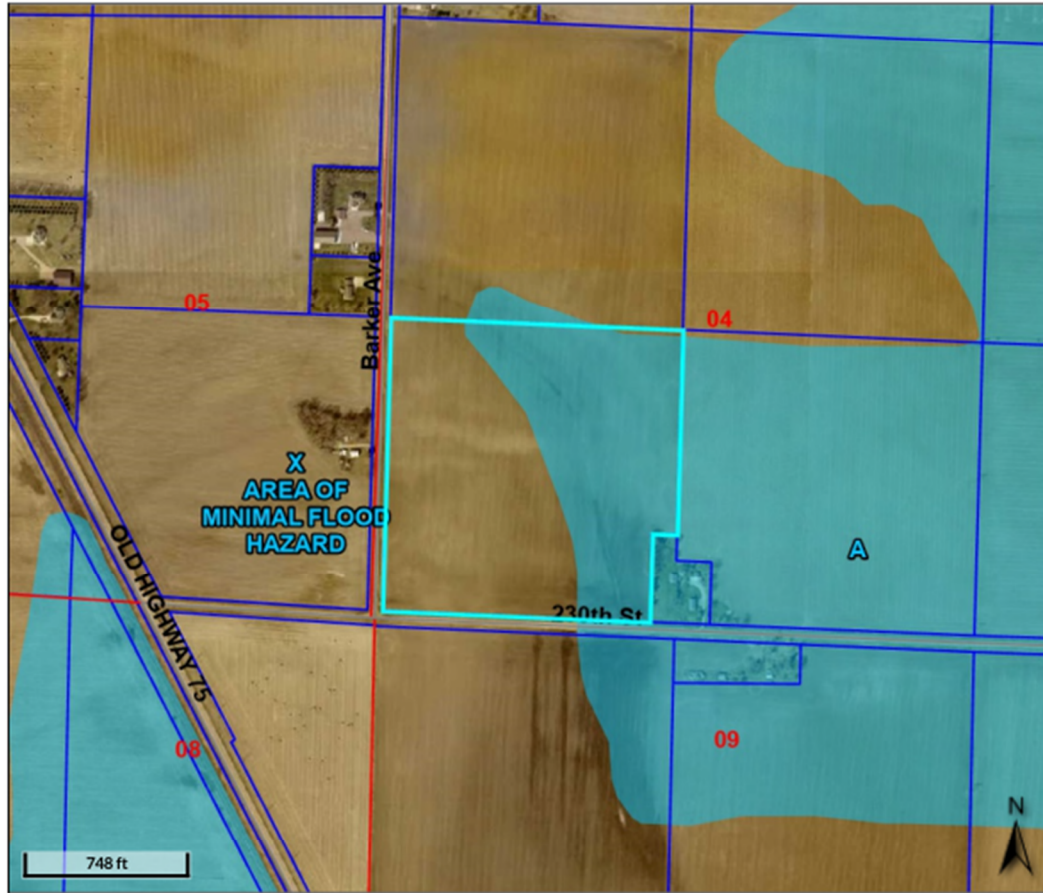
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- County Zoning
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIOUX CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

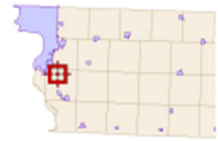
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Overview



Legend

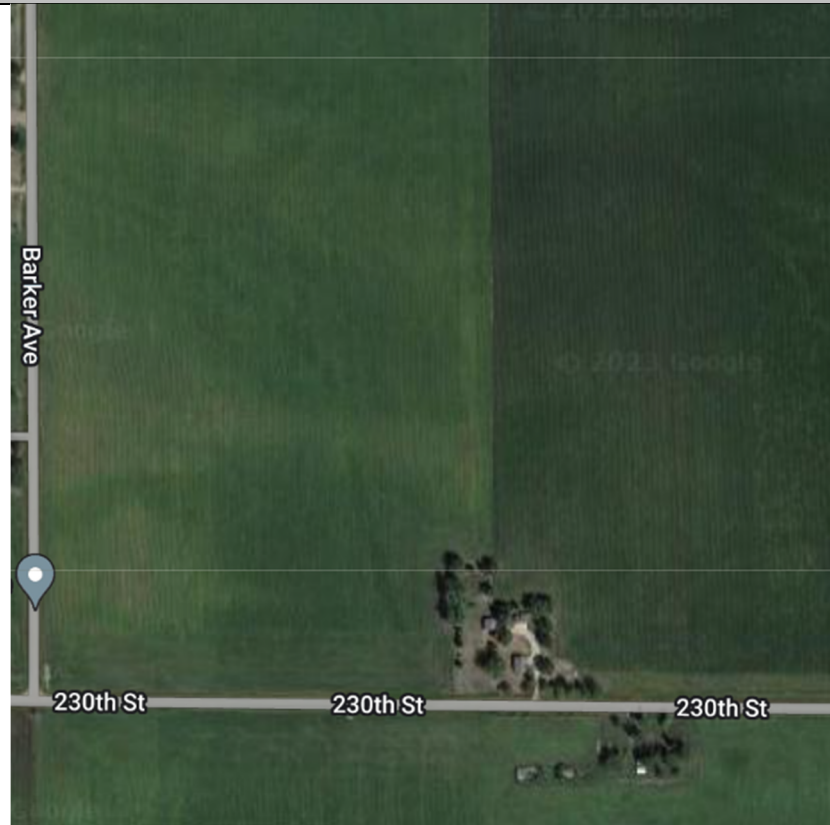
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- FEMA Flood Map**
- A,
- AE,
- AE, FLOODWAY
- AH,
- AO,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIOUX CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SEC COR SW SW 4-87-47				
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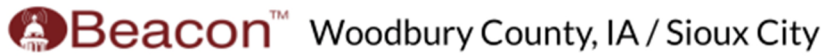
Developed by Schneider
 GEOSPATIAL

FLOODPLAIN REPORT – DRAFT MAP



<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>

SOIL REPORT



Summary

Parcel ID	874704300003	
Gross Acres	37.08	
ROW Acres	0.00	
Gross Taxable Acres	37.08	
Exempt Acres	0.00	
Net Taxable Acres	37.08	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	66.26	(2456.78 CSR2 Points / 37.08 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	37.08	66.26	2,456.78	2,456.78
Non-Crop	0.00	0.00	0.00	0.00
Total	37.08		2,456.78	2,456.78

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3549	MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	14.34	1,089.84	1,089.84
100% Value	137	HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	3.43	246.96	246.96
100% Value	156	ALBATON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	58.00	19.31	1,119.98	1,119.98
Total				37.08	2,456.78	2,456.78

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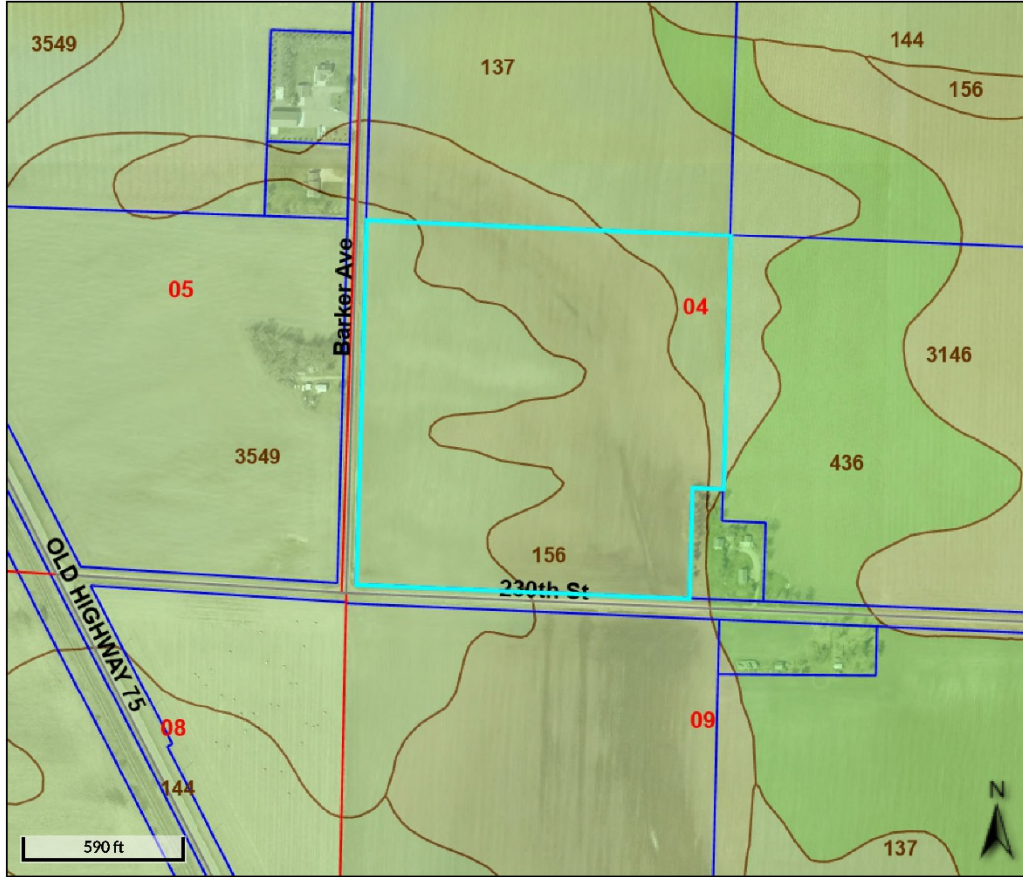
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Version 2.3.244

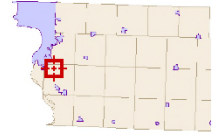


SOIL MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Soils
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIoux CITY, IA 51104
District	0038				
Brief Tax Description	EX 1.A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

Date created: 2/1/2023
 Last Data Uploaded: 1/31/2023 7:59:47 PM

Developed by Schneider
 GEOSPATIAL

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

The undersigned, *Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006 and the Maxys Family Farm LLC*, the owner(s) of the real estate known as *Barker Addition*, an Addition to Woodbury County, Iowa, and legally described as follows:

Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) of *Barker Addition* of Part of Section Four (4), Township Eighty-Seven (87) North, Range Forty-Seven (47) West of the Fifth Principal Meridian, in the County of Woodbury and the State of Iowa, a/k/a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Final Plat of *Barker Addition* we agree as follows:

1. To impose a recorded covenant on *Barker Avenue* and/or *230th Street* agreeing to an assessment on said Lots in event *Barker Avenue* and/or *230th Street* is graded for hard surfacing and paved (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *Barker Avenue* and/or *230th Street*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Lots in *Barker Addition* subdivision will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said lots.
3. The collective assessment shall be individually prorated to each of the Lots on the basis of the number of lineal feet on which each Lot abuts said roadway(s) and the respective Lot owners shall have the responsibility for the assessment only on the lot(s) within the Subdivision he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Lots in *Barker Addition*, then the lower amount shall be assessed against said lots.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this _____ day of _____, 2023.

Maxys Family Farm, LLC,

Dolf Ivener, Member

Dated this _____ day of _____, 2023.

Brian and Bonnie Ivener Trust UTD July 6, 2006

Brian Ivener, Trustee

On this ___ day of _____ A.D. 2023, before me, the undersigned Notary Public, personally appeared to me known **Dolf Ivener, Member Maxys Family Farm LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Dolf Ivener as Member of Maxys Family Farm LLC** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

On this ___ day of _____ A.D. 2023, before me, the undersigned Notary Public, personally appeared to me known **Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT OF WAY.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

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

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

PRELIMINARY REPORT – FEBRUARY 22, 2023

MAXYS FAMILY FARM LLC / BRIAN AND BONNIE IVENER TRUST ZONING ORDINANCE MAP AMENDMENT (REZONE) FROM AP TO AE ZONING DISTRICT

APPLICATION DETAILS:	PROPERTY DETAILS:	TABLE OF CONTENTS:
<p>Owner(s): Maxys Family Farm LLC; Brian & Bonnie Ivener Trust</p> <p>Application Type: Zoning Ordinance Map Amendment (Rezone)</p> <p>Current Zoning District: Agricultural Preservation (AP)</p> <p>Proposed Zoning District: Agricultural Estates (AE)</p> <p>Total Acres: 13.26 Acres</p> <p>Current Use: Agriculture Proposed Use: Residential</p> <p>Corn Suitability Rating(s): 66.26 CSR2</p> <p>Pre-application Meeting: None</p> <p>Application Date: 1/31/23</p> <p>Legal Notice Date: 2/11/23</p> <p>Stakeholder (1000') Letter Date: 2/10/23</p> <p>Zoning Commission Public Hearing Date: 2/27/23</p> <p>Board of Supervisors Public Hearing Date(s): 3/7/23, 3/14/23, 3/21/23 (It is possible the third hearing could be waived at the at the second hearing)</p>	<p>Parcel(s): 874704300003</p> <p>Township/Range: T87N R47W (Liberty Township)</p> <p>Section: 4</p> <p>Quarter: SW ¼ SW ¼</p> <p>Zoning District: Agricultural Preservation (AP)</p> <p>Floodplain District: Zone A – General Floodplain</p> <p>Address: None</p>	<p>Summary, Aerial, Plat Excerpt & Recommendation Application</p> <p>Evaluation Criteria</p> <p>Legal Notification</p> <p>Adjacent Owners' Notification</p> <p>Stakeholder Comments</p> <p>Proposed Ordinance Language</p> <p>Supporting Documentation</p>

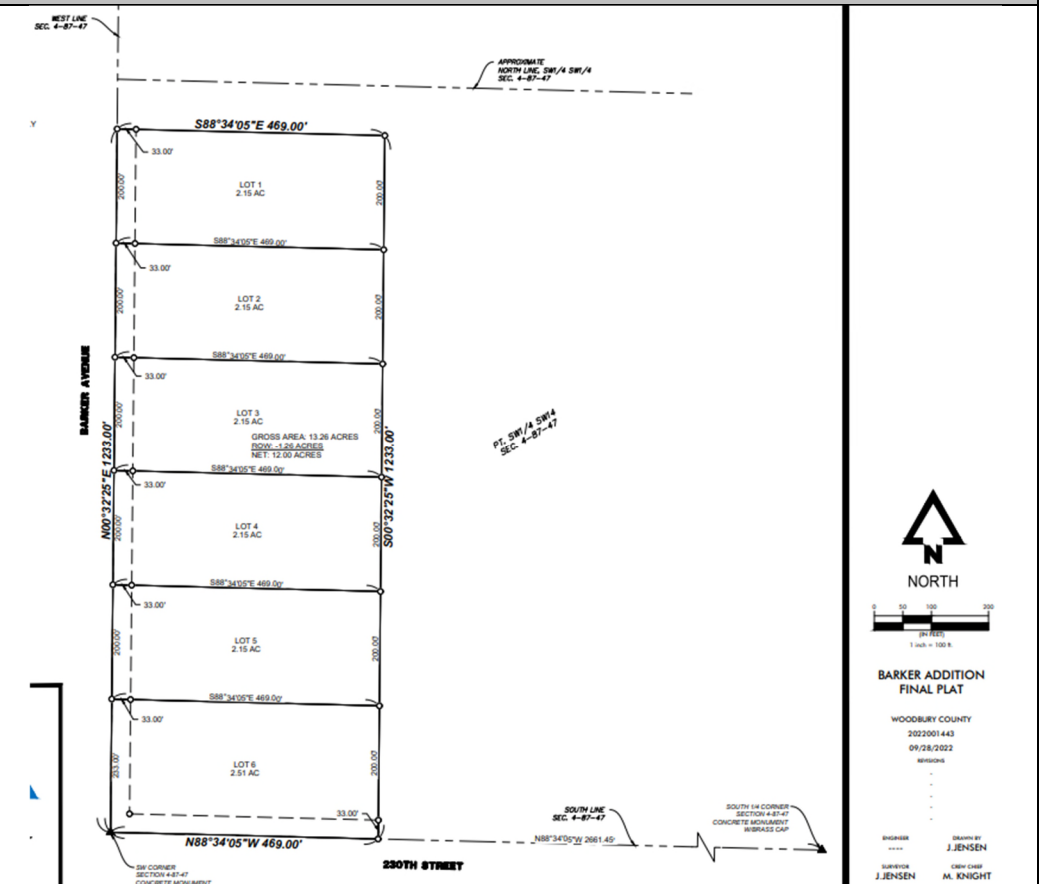
SUMMARY

Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a zoning ordinance map amendment (rezone) on the property (Parcel #874704300003) as referenced above from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of establishing six residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2023. The neighbors within 1000 FT have been duly notified via a February 10, 2023 letter about the February 27, 2023 Zoning Commission public hearing and have been requested to comment. As of February 22, 2023, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. A small portion of the property that is not in any buildable area is located in the Special Flood Hazard Hara (Zone A – Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal.

AERIAL MAP



MINOR SUBDIVISION PLAT EXCERPT



STAFF RECOMMENDATION

It is the recommendation of staff to approve this Zoning Ordinance Map Amendment (Rezone) application as proposed.

Suggested Motion: Motion to recommend approval to the Board of Supervisors, the Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on the portion of Parcel #874704300003 as proposed.



Rezoning Application & Zoning Ordinance Map Amendment

Owner Information:		Applicant Information:	
Owner	<u>Maxys Family Farm LLC</u>	Applicant	<u>Dolf Ivener</u>
Address	<u>3701 Cheyenne Blvd</u> <u>Sioux City, IA 51104</u>	Address	<u>3400 Talbot Rd</u> <u>Sioux City, IA 51103</u>
Phone	<u>712-251-9967</u>	Phone	<u>712-251-9967</u>

Engineer/Surveyor Justin Jensen Phone 515-450-9199

Property Information:

Property Address or Address Range Sergeant Bluff, IA 51054 proposed legal desc. attached

Quarter/Quarter SW 1/4 SW 1/4 Sec 4 Twshp/Range 87-47

Parcel ID # 874704300003 or GIS # _____ Total Acres 13.26

Current Use AGRICULTURE Proposed Use RESIDENTIAL

Current Zoning AP Proposed Zoning AE

Average Crop Suitability Rating (submit NRCS Statement) 66.26 CSR2

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date _____ Staff present _____

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.

This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner *[Signature]* Applicant *[Signature]*

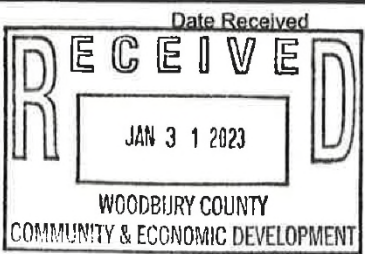
Date _____ Date _____

Fee: **\$400** Case #: 6833

Check #: 84084

Receipt #: _____

*Maxys Family Farm LLC
Brian and Bonnie Ivener Trust*



MEMBER RESOLUTION
MAXYS FAMILY FARM, L.L.C.

Upon motion duly made and seconded, the following resolution was adopted:

RESOLVED, that the undersigned, being all the members of Maxys Family Farm, L.L.C., an Iowa limited liability company (the "Company") authorize member Dolf A. Ivener ("Dolf") to execute and deliver the plat of Barker Addition, Woodbury County, Iowa, ("Barker Subdivision") to the Woodbury County Recorder's Office. Said Barker Subdivision is a subdivision of the following legally described real estate:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE THOUSAND TWO HUNDRED THIRTY-THREE FEET (1,233.00') OF THE WEST FOUR HUNDRED SIXTY-NINE FEET (469.00') OF SECTION FOUR, TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST.

DESCRIBED PARCEL CONTAINS 13.27 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT-OF-WAY.

FURTHER RESOLVED, that Dolf is hereby fully authorized for and on behalf of the Company to take any and all such action as he shall deem appropriate with regard to the establishment of Barker Subdivision, including but not limited to executing and delivering other documents and instruments from time to time.

The foregoing Resolution was approved on December 12, 2022, at a duly convened meeting of the Members of the Company. This Resolution may be executed in multiple counterparts, each of which shall be considered an original copy of the Resolution.

MEMBERS

Dolf A. Ivener
Dolf A. Ivener

S Ivener
Sarra-Lesa Ivener

Gina R. Bernstein
Gina R. Bernstein

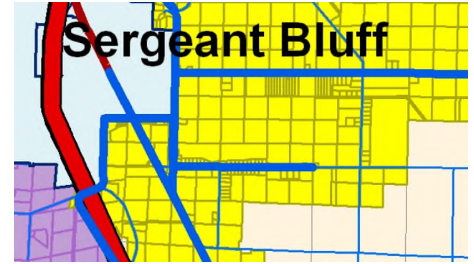
EVALUATION CRITERIA

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

Conformance with the goals and objectives set forth in the approved general development plan for Woodbury County including the future land use map.

The 2005 Future Land Use Map shows this area as Rural Residential. The parcel is currently zoned Agricultural Preservation (AP) and the request is to change to Agricultural Estates (AE). The request conforms to the goals and objectives of the general development plan as it relates to the following land use goals:

- **Residential Goal 5.1:** Encourage non-farm residential development to locate near cities or on existing hard surfaced roadways, particularly in areas that can be served by urban services such as public water and sewer systems.
- **Residential Goal 5.2:** Encourage residential development to locate in areas with suitable accessibility, soils, and terrain.
- **Land Use Goal 1.2:** Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.
- **Land Use Goal 1.3:** Encourage development near cities by discouraging leap-frog development outside municipalities.



Compatibility and conformance with the policies and plans of other agencies with respect to the subject property.

There are no conflicts with the policies and plans of other agencies.

Consideration of the Corn Suitability (CSR) of the property.

The CSR2 rating for this property includes ratings of 66.26. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses.

Summary

Parcel ID	874704300003
Gross Acres	37.08
ROW Acres	0.00
Gross Taxable Acres	37.08
Exempt Acres	0.00
Net Taxable Acres	37.08 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	66.26 (2456.78 CSR2 Points / 37.08 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	37.08	66.26	2,456.78	2,456.78
Non-Crop	0.00	0.00	0.00	0.00
Total	37.08		2,456.78	2,456.78

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3549	MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	14.34	1,089.84	1,089.84
100% Value	137	HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	3.43	246.96	246.96
100% Value	156	ALBATON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	58.00	19.31	1,119.98	1,119.98
Total				37.08	2,456.78	2,456.78

Compatibility with adjacent land uses.

The rezone to AE is compatible with the area residential uses. As the image below illustrates, Barker Avenue includes AE districts to the north of the property.



Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.

This proposal is compatible with other physical and economic factors in the project area as there are no major infrastructure improvements required.

Any other relevant factors.

The purpose of the rezone to AE allows for more than two houses to be located within the same quarter-quarter section.

LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING

The Public Hearing Legal Notification was published in the Sioux City Journal Legals Section on Saturday, February 11, 2023.

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 56254

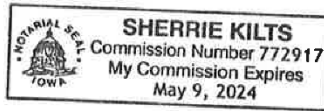
Subscribed and sworn before me in Sioux City, in said County,

this 13 day of February, 2023.

Micahene Graham

Sherrie Kilts Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 02/11/2023

TOTAL AD COST: 47.43

FILED ON: 2/13/2023

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) AND FOR A MINOR SUBDIVISION
WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on February 27, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Doll Ivener on behalf of the Maxys Family Farm, L.L.C. and the Brian and Bonnie Ivener Trust.

The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 13.26-acres located on Parcel #874704-300003 in the SW 1/4 of the SW 1/4 of Section 4, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is described as:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M. CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1238.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.28 ACRE OF ROAD RIGHT OF WAY.

Owner(s)/Applicant(s): Doll Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

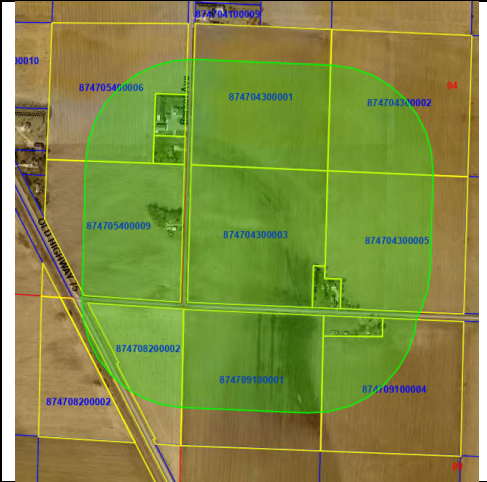
Item Two (2)
PROPOSED MINOR SUBDIVISION: To be known as the Barker Addition, a six-lot minor subdivision in a 13.26-acre portion of Section 4, T87N R47W (Liberty Township) in the SW 1/4 of the SW 1/4 on Parcel #874704300003. The parent parcel is located about 0.5 miles east of Sergeant Bluff. The property is located in the Agricultural Preservation (AP) Zoning District. A portion of the property is located in the Special Flood Hazard Area (Zone A - Floodplain). Owner(s)/Applicant(s): Doll Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The **nine (9)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **February 20, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **February 27, 2023**.

As of **February 22, 2023**, the Community and Development office has received the following comments. The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



PROPERTY OWNER(S)	ADDRESS	CITY	STATE	ZIP	COMMENTS
Maxys Family Farm LLC & Brian and Bonnie Ivener Trust	3701 Cheyenne Blvd	Sioux City	IA	51104	No comments.
Todd M. Hostetler and Christina M. Hostetler	1419 230th St.	Sergeant Bluff	IA	51054	No comments.
Phillip Freiberg and Stephanie Freiberg	2266 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments.
Glenn J. Kasik and Teresa R. Kasik	2251 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Loren L. Schroeder and Pamel K. Schroeder	2277 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Carolyn Blighton	22 Sunnyview Drive	Suffield	CT	6078	No comments.
Union Pacific Railroad	1400 Douglas STOP 1640	Omaha	NE	68179-1640	No comments.
Brian Krogh and Aimee Krogh	2381 Port Neal Road	Sergeant Bluff	IA	51054	No comments.
Mark S. Godfredson	2359 Barker Ave.	Sergeant Bluff	IA	511054	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
CITY OF SERGEANT BLUFF:	Extraterritorial Review of Subdivision Waived.
FARMERS DRAINAGE DISTRICT:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have review the following proposed rezoning for MEC electric. We have no conflicts, but the developer should be aware that the proposed subdivision is not in MEC service territory. Let me know if you have any questions and have a great weekend! – Casey Meinen, 2/2/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC "gas" either. – Tyler Ahlquist, 2/2/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 2/8/23.
NUSTAR PIPELINE:	NuStar does not have any issues with the request. – Matt McGee, 2/14/23.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	First off, I wanted to inform you that Paige is no longer with SDHD. At this time, all calls/emails/questions can be directed to myself. Second, after review of this rezoning, our Department would like acknowledge that due to the parcel located in a Flood Plain and previous on-site septic installations they will need to be aware that it is likely that either an oversized soil based system or an alternative system will be required for each property. This may affect the lot sizes with the installation of a private well. Thanks and please call with any questions. – Ivy Bremer, 2/6/23.
UNION PACIFIC RAILROAD:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	No comments on the rezone.
WOODBURY COUNTY RECORDER:	I see no issues. – Diane Swoboda Peterson, 2/3/23.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments on this proposal. – Neil Stockfleth, 2/3/23.
WOODBURY COUNTY TREASURER:	The taxes are not current. There is \$592.00 owed for the March 2023 payment. – Kimberlee Koepke, 2/2/23.

ORDINANCE NO. ____

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Board of Supervisors has received a report in respect to amending the said Ordinance from the Woodbury County Zoning Commission which held a public hearing on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this ____ day of _____, 2023.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice Chairman

Daniel Bittinger

Mark Nelson

Keith Radig

Attest:

Patrick Gill, Woodbury County Auditor

Adoption Timeline:
Public Hearing and 1st Reading:
Public Hearing and 2nd Reading:
Public Hearing and 3rd Reading:
Adopted:
Effective:

ITEM ONE (1)

Property Owner(s): Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

Petitioner Applicant(s): Dolf Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

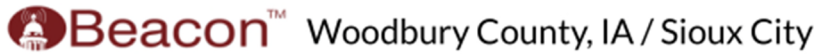
Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, February 27, 2023, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 13.26-acres located on Parcel #874704300003 in the SW ¼ of the SW ¼ of Section 4, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is described as

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT OF WAY.

PARCEL REPORT



Summary

Parcel ID 874704300003
Alternate ID 767055
Property Address N/A
Sec/Twp/Rng 4-87-47
Brief Tax Description EX 1 A IN SE COR SW SW 4-87-47
(Note: Not to be used on legal documents)
Deed Book/Page [2021-06042 \(5/6/2021\)](#)
Gross Acres 37.08
Net Acres 37.08
Adjusted CSR Pts 2456.78
Zoning AP - AGRICULTURAL PRESERVATION
District 0038 LIBERTY/SB/L
School District SGT BLUFF LUTON
Neighborhood N/A

Owner

Deed Holder
[Maxys Family Farm LLC](#)
[3701 Cheyenne Blvd](#)
Sioux City IA 51104

[Ivener Brian & Bonnie Trust](#)
[3701 Cheyenne Blvd](#)
Sioux City IA 51104

Contract Holder
Mailing Address
Michael Or Gina Bernstein
8 Crestwood Dr
Saint Louis MO 63105

Land

Lot Area 37.08 Acres : 1,615,205 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
2/5/2021	IVENER MAX & FRANCCYS FAMILY TRUST	MAXYS FAMILY FARM LLC	2021-06042	No consideration	Deed		\$0.00
2/5/2021	IVNER MAX & FRANCCYS FAMILY TRUST	MAXY FAMILY FARM LLC	2021-03169	Normal	Deed	Y	\$2,568,000.00

Show There are other parcels involved in one or more of the above sales:

Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

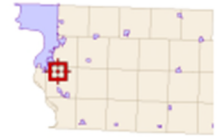
[Apply for Homestead, Military or Business Property Tax Credits](#)

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Photos, Sketches.

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

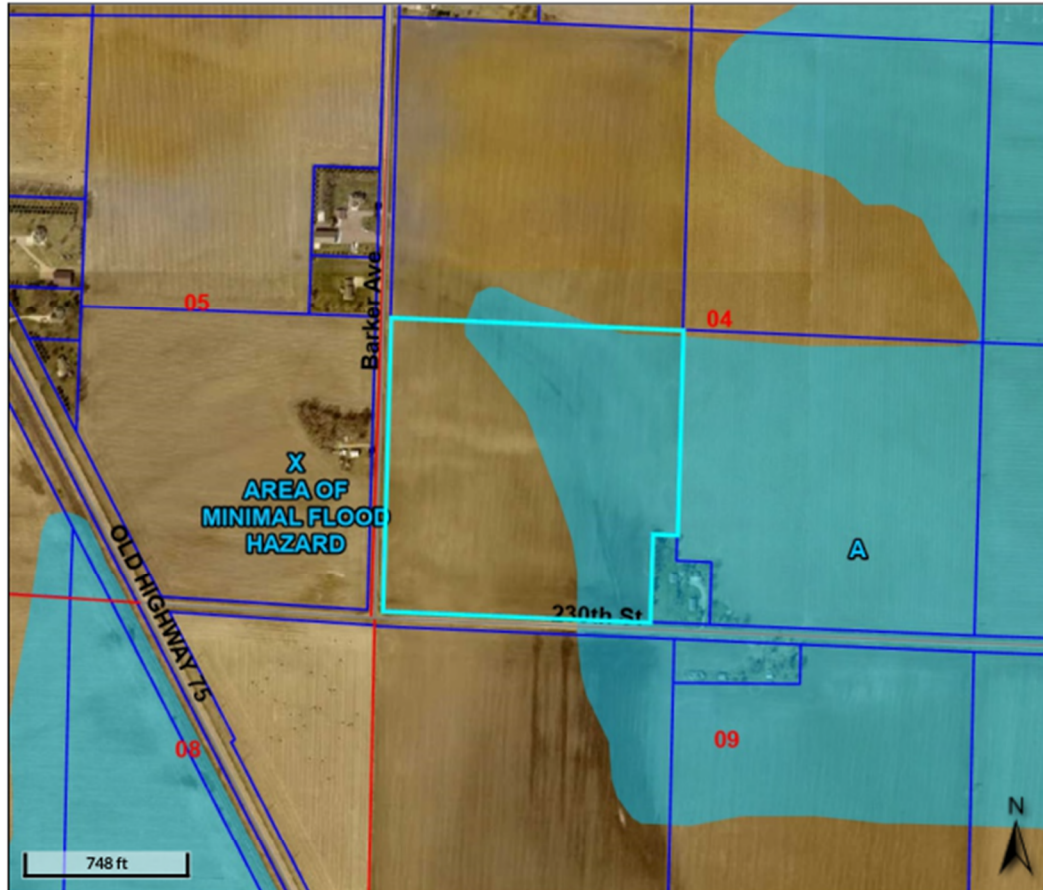
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- County Zoning
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIOUX CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

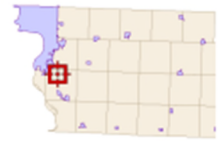
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Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

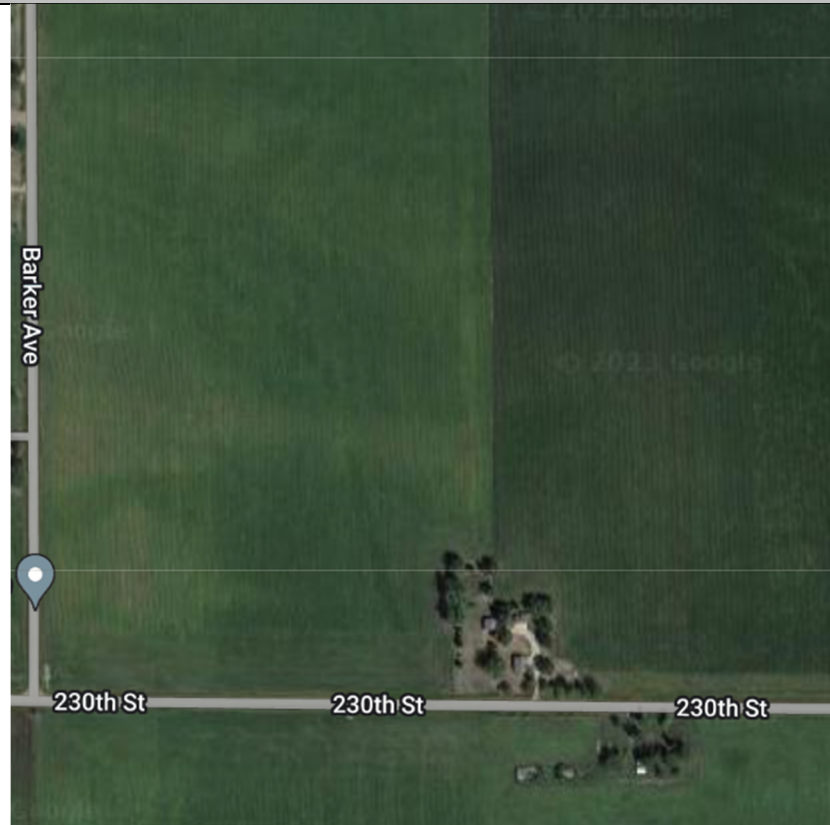
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- FEMA Flood Map**
- A,
- AE,
- AE, FLOODWAY
- AH,
- AO,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIOUX CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SEC COR SW SW 4-87-47				
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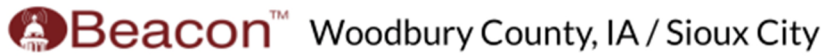
Developed by Schneider
 GEOSPATIAL

FLOODPLAIN REPORT – DRAFT MAP



<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>

SOIL REPORT



Summary

Parcel ID	874704300003	
Gross Acres	37.08	
ROW Acres	0.00	
Gross Taxable Acres	37.08	
Exempt Acres	0.00	
Net Taxable Acres	37.08	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	66.26	(2456.78 CSR2 Points / 37.08 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	37.08	66.26	2,456.78	2,456.78
Non-Crop	0.00	0.00	0.00	0.00
Total	37.08		2,456.78	2,456.78

Soil Summary

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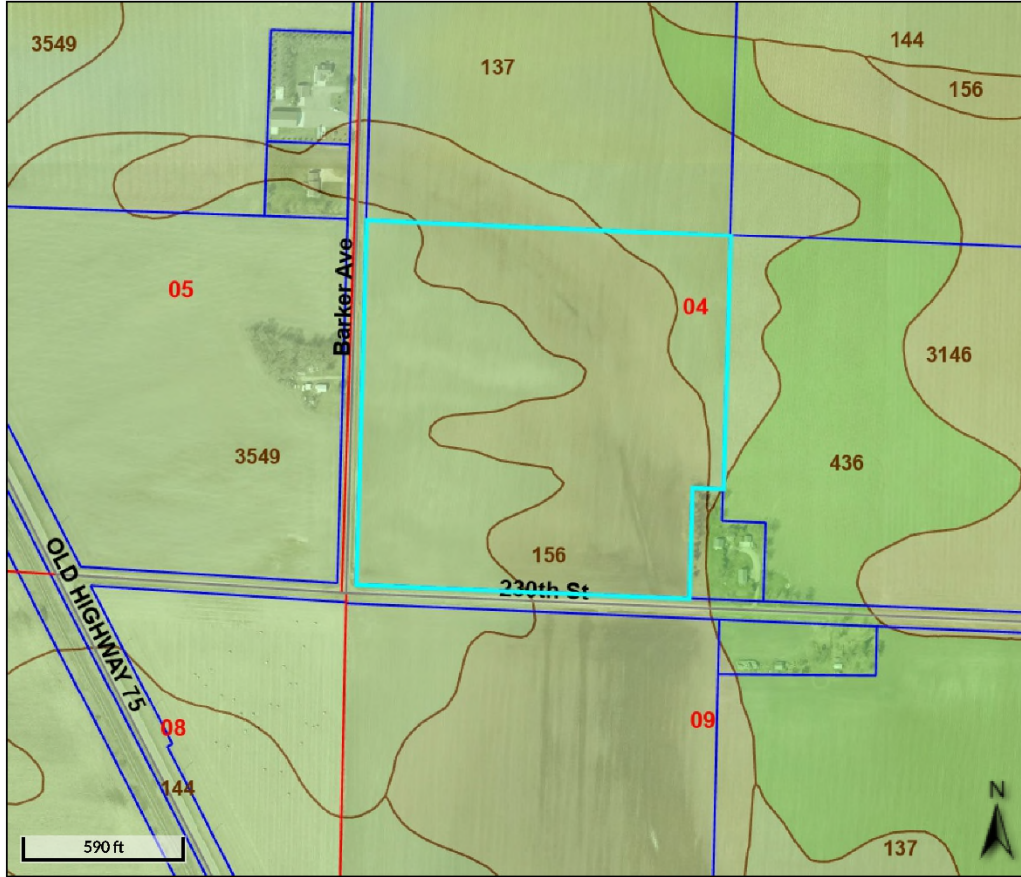
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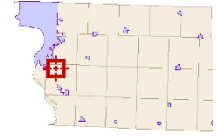


SOIL MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Soils
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIoux CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

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Developed by Schneider
 GEOSPATIAL



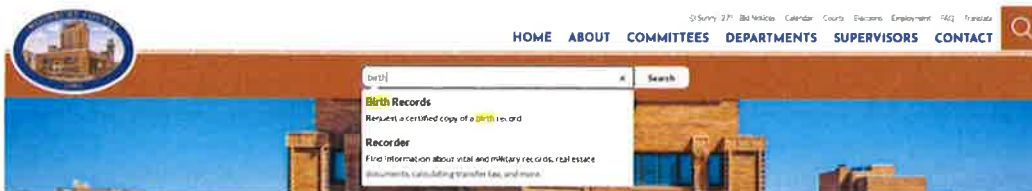
📅 posted on 1/23/23



Welcome to Woodbury County's new website!

We're thrilled to launch our new site and share it with the public. The site's new design focuses on user experience and mobile navigation. The site includes several key improvements to assist residents, business owners, and visitors as they browse the website.

PROMINENT SEARCH



While search was available on the previous website, it was only accessible from the bottom of the homepage. To help website visitors more quickly find what they're looking for, search is now accessible on all pages of the site from the top right-hand corner and works seamlessly on both mobile and desktop devices. The site search will show immediate results based on the search term matching page titles, descriptions, and keywords; FAQs; or our staff directory. Clicking "search" will bring up a full search results page of matches in case the visitor needs to see more results.

QUICK LINKS

The homepage of the website includes seven convenient quick links to popular pages, including [Board Meetings](#), [Pay Property Taxes](#), and [Employment](#). The quick links can be updated as needed throughout the year based on county services and public needs.

NEWS & EVENTS

Below quick links on the homepage, site visitors will find the county's [latest news](#) and announcements, including recent job postings and bid notices.

Another featured spot highlights county [events](#), such as upcoming Board of Supervisors meetings and holiday closures. Holiday closures can also be viewed at any time from the website footer under "Courthouse Hours" or from each department's page under "Hours."

DEPARTMENT & SERVICE DIRECTORY

MORE NEWS

[Woodbury County Launches New Website](#)

📅 posted 1/23/23

Discover our site's new features and improvements.

[Gravel Road Improvement](#)

📅 posted 11/14/22 · [Secondary Roads](#)

[Woodbury County FY 2023 to FY 2027 Construction Program](#)

📅 posted 4/5/22 · [Secondary Roads](#)

[Road Improvement Policy](#)

📅 posted 9/17/13 · [Secondary Roads](#)



DEPARTMENTS AND OFFICIALS

Search Departments, Resources, and Services

ASSESSOR (COUNTY)

Countywide
620 Douglas St., Room 202
Sioux City, IA 51101
712-279-6101

- Credits & Exemptions
- Property Search
- Understand Your Assessment
- Valuation Appeal
- FAQ

ASSESSOR (SIOUX CITY)

Countywide
620 Douglas St., First Floor
Sioux City, IA 51101
712-279-6515

- Compare Taxes
- Credits & Exemptions
- Property Search
- Understand Your Assessment
- Valuation Appeal
- FAQ

Our [department directory](#) has been updated to include a breakdown of services offered by that department to help site visitors quickly navigate to the specific page they need. Contact information for each department is also added in case the user would prefer to contact the department directly by phone. A search feature allows users to quickly search by department or service.

COMMITTEES

Our [Committees page](#) makes it easier than ever before to find information about each county committee. Users can filter by committee type to narrow down the committee list. Individual committee pages are organized by meetings (and year), members, and searchable committee documents.

NOTIFICATIONS

With the new website also comes a new notifications feature. Those interested can subscribe to email updates from the county for topics of their choosing, including when county alerts, bid notices, jobs, news, and Board of Supervisors agendas and minutes are posted. Users can unsubscribe at any time.

SIGN UP NOW

FREQUENTLY ASKED QUESTIONS

A new [FAQ](#) section gives our departments the ability to give the public answers to their most common questions in the hopes of saving our residents and visitors some time. Access FAQs on each department page or search through all department questions and answers on our main FAQ page.

We encourage you to take a look and explore our new website. The site was created to give our website visitors a more user-friendly experience and to make it easier to communicate with our staff and access services online. If you have any questions, please [contact us](#).



STAY CONNECTED WITH OUR COUNTY

Sign up to receive notifications when board meeting agendas are posted, job openings are announced, and more.

NOTIFICATIONS

ABOUT WOODBURY COUNTY

Woodbury County was established in 1851. It's home to 15 communities and over 100,000 residents. The County is administered by a five-member [Board of Supervisors](#) who are elected to four-year terms. Other elected officials include the [Attorney, Auditor & Recorder, Sheriff, and Treasurer](#).

COUNTY COURTHOUSE

620 Douglas Street,
Sioux City, Iowa 51101
[Contact Us](#)

COURTHOUSE HOURS

Monday - Friday
8:00 a.m. - 4:30 p.m.
[Closed Holidays](#)



DEPARTMENTS

COMMUNITY & ECONOMIC DEVELOPMENT  

COURTHOUSE

620 Douglas St. - Sixth Floor
Sioux City, IA 51101
[Driving Directions](#)

CONTACT INFORMATION

712-279-6609
712-279-6530 (Fax)

HOURS

Monday - Friday
8:00 a.m. - 4:30 p.m.
[Holiday Closures](#)

OUR TEAM

[Daniel Priestley](#)
Zoning Coordinator
[Dawn Norlon](#)
Senior Clerk



NOTICES OF CONFINEMENT FEEDING OPERATIONS



Property Search



Applications



Ordinances



Land Use and Zoning Map



Floodplain Development



Land Division



Guide to County Living



Permits on File



Development Plan



Future Land Use Map



RAGBRAI Rural Zoning



Board of Adjustment



Zoning Commission

COMMUNITY & ECONOMIC DEVELOPMENT WOODBURY COUNTY PLANNING AND ZONING

The Community & Economic Development office is where you can obtain applications for building permits, variances, conditional use permits, rezones, and subdivisions. Filing fees vary for these applications.

PURPOSE OF PLANNING AND ZONING

The Community & Economic Development department is responsible for the enforcement of Woodbury County's [Zoning Ordinance](#). The Zoning Ordinance is the tool utilized to implement the County's [Comprehensive Plan](#). The purpose of the Comprehensive Plan is to provide a program for the orderly and efficient growth and development of Woodbury County. The Plan is concerned with the effective use of land, structures and open space, both public and private, to make Woodbury County a desirable place in which to live and work.

The studies used to prepare the Comprehensive Plan for the unincorporated area of Woodbury County include analysis of population trends and characteristics, economic factors, existing use of land and structures, public utilities and roads, recreational and educational facilities and the financial condition of the County.

The formulation and development of the Plan was guided by land use goals and objectives. The first goal is to provide for the orderly growth and development of the County while encouraging the preservation of existing agricultural resources. The second objective is to provide for varied residential areas to serve the diverse housing needs of the County population. Another purpose is to promote sound economic growth through the proper allocation of land for agricultural, commercial and industrial development. An additional goal is to provide for an adequate transportation system for safe and efficient movement of goods and people is a goal. In addition, the intent is to preserve public and private open space including wooded areas, streams and floodplains recognizing these areas as resources to be conserved rather than developed. The final objective is to allocate sufficient land for parks and recreation to meet the needs of the present and future population.

[Map & Directions](#)



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COUNTY COURTHOUSE
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Sioux City, Iowa 51101
[Contact Us](#)

COURTHOUSE HOURS

Monday - Friday
8:00 a.m. - 4:30 p.m.
[Upcoming Holidays](#)