



WOODBURY COUNTY ZONING COMMISSION

Monday, March 27, 2023 at 6:00 PM

The Zoning Commission will hold a public meeting on **Monday, March 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: February 27, 2023
5	ITEM(S) OF BUSINESS
»	PUBLIC HEARING: KERR ADDITION, MINOR SUBDIVISION PROPOSAL ON PARCEL #884735100002 K&L Legacy Farms, LLC (Peter Kerr & Jean Kerr) have filed for a two (2) lot minor subdivision on the property identified as Parcel #884735100002 in the NW ¼ of the NW ¼ of Section 35, T88N R47W (Woodbury Township). The property is located in the Agricultural Preservation (AP) Zoning District and is also located in the Special Flood Hazard Area (Zone A – Floodplain).
»	INFORMATION / DISCUSSION: WOODBURY COUNTY COMPREHENSIVE PLAN 2040 UPDATE
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
7	COMMISSIONER COMMENT OR INQUIRY
8	STAFF UPDATE
9	ADJOURN

Minutes - Woodbury County Zoning Commission Meeting – February 27, 2023

The Zoning Commission (ZC) meeting convened on the 27th of February at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Tom Bride, Corey Meister, Jeff O'Tool
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Dolf Ivener, Dan Bittinger

Call to Order

Vice Chair Tom Bride formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – November 28, 2022

Motion by O'Tool to approve the minutes. Second: Meister. Motion approved 3-0.

Election of Chair of Zoning Commission for 2023

O'Tool nominated and motioned for Chris Zellmer Zant to serve as Chair. Second by Meister. Motion approved 3-0.

Election of Vice Chair of Zoning Commission for 2023

Meister nominated and motioned for Tom Bride to serve as Vice-Chair. Second by O'Tool. Motion approved 3-0.

Public Hearing: Barker Addition, Minor Subdivision Proposal on Parcel #874704300003

Priestley read the preliminary report and staff recommendation into the record. 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. The proposal is being presented concurrently with a Zoning Ordinance Map Amendment (Rezone) from the Agricultural Perseveration (AP) Zoning District 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 have been notified and 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 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. Staff recommends approval with the condition that the property owner sign pavement agreements for any future paving along Barker Avenue and 230th Street. The surveyor addressed the County Engineer's concerns regarding a typographical error on the plat. The change has been made and highlighted. Dolf Ivener stated one lot is in the path of a proposed future pipeline. Siouxland District Health will be involved with the placement of wells and septic systems and will require special systems if they are to be located in any floodplain area. The draft future floodplain map which will come out in approximately June 2024 shows the area will likely be removed from the floodplain. The Woodbury County Treasurer shows taxes due for the parcel; the final plat can't be recorder until taxes are paid. Ivener will bring them up to date. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion to approve by O'Tool to recommend approval of the Barker Addition to Board of Supervisor's with condition a pavement agreement be signed for future grading and hard surfacing of Barker Avenue and 230th Street. Second: Meister. Motion approved 3-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from AP to AE Proposal – Portion of Parcel #874704300003

Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust have filed an application for a zoning ordinance map amendment (rezone) on property currently zoned Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the propose of establishing six residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journals Legals Section on February 11, 2023. The neighbors within 1000 FT have been 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. Appropriate stakeholders including government agencies, utilities and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. 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 zoning ordinance map amendment (rezone) to the AE Zoning District. O'Tool inquired about the Corn Suitability Rating as part of the rezone consideration process. Priestley indicated that this is one of the several criteria for consideration of the rezone based on the general plan. The future land use map of the development plan is the key criteria for classifying rezones. Motion to close the public hearing Meister. Second: O'Tool. Motion approved 3-0. Motion to recommend acceptance and approval of the

zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estate (AE) Zoning District to the Woodbury County Board of Supervisors by Meister. Second O'Tool. Motion approved 3-0.

Information/Discussion: Woodbury County Comprehensive Plan 2040 Update

SIMPCO is in the process of putting together the 2040 Plan, Zoning Commission Chair Chris Zeller Zan is part of the SIMPCO steering committee for this process. The comprehensive plan is an ongoing process to identify goals for future land use and expansion for business, residential and commercial areas within the county. Cities within the county also have their own comprehensive plans, the goal is to work in harmony to present a plan that works together with the cities and rural areas. When completed, the plan will be presented to Zoning Commission and the Board of Supervisors along with be public meetings for input.

Information/Discussion: The New woodburycountyiowa.gov Website

Priestley offered information about the new Woodbury County website. Content on the website was discussed including the ability to sign up for notifications about public meetings.

Public Comment on Matters Not on the Agenda

Bride inquired about the city's ability to exercise zoning within 2 miles of their corporate boundaries. Priestley discussed exterritorial review under subdivisions and noted that Iowa Code has subdividing and county zoning in separate chapters with separate parameters. City's have the authority under Iowa Code to place regulations on properties through subdivisions. In Woodbury County, the county regulates zoning outside of the corporate limits.

Staff Update

Priestley stated that the Board of Supervisors formally received the Zoning Commission's recommendation and final report on the draft pipeline ordinance (December 6, 2022).

Adjourn

Motion by O'Tool. Second: Meister. 3-0. The meeting adjourned at 7:08 PM.



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 – MARCH 24, 2023

K & L LEGACY FARMS LLC (Peter Kerr & Jean Kerr) KERR ADDITION – MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS:

Owner(s): K&L Legacy Farms, LLC (Peter Kerr & Jean Kerr)
Application Type: Minor Subdivision (2 Lots)
Subdivision Name: Kerr Addition
Application Date: March 1, 2023
Subdivision Area: 34.34 acres
Legal Notice Date: March 11, 2023
Stakeholder (1000') Letter Date: March 10, 2023
Zoning Commission Public Hearing Date: March 27, 2023
Board of Supervisors Agenda Date: TBD

PROPERTY DETAILS:

Parcel(s): 884735100002
Township/Range: T88N R47W (Woodbury Township)
Section: 35
Quarter: NW ¼ NW ¼
Zoning District: Agricultural Preservation (AP)
Floodplain District: Zone A - SFHA
Address: No address

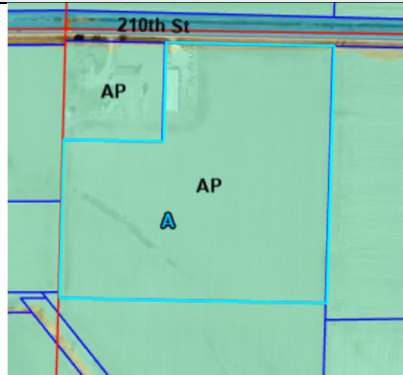
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Summary, Aerial, Plat Excerpt & Recommendation
Application
Final Plat
Review Criteria
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Stakeholder Comments
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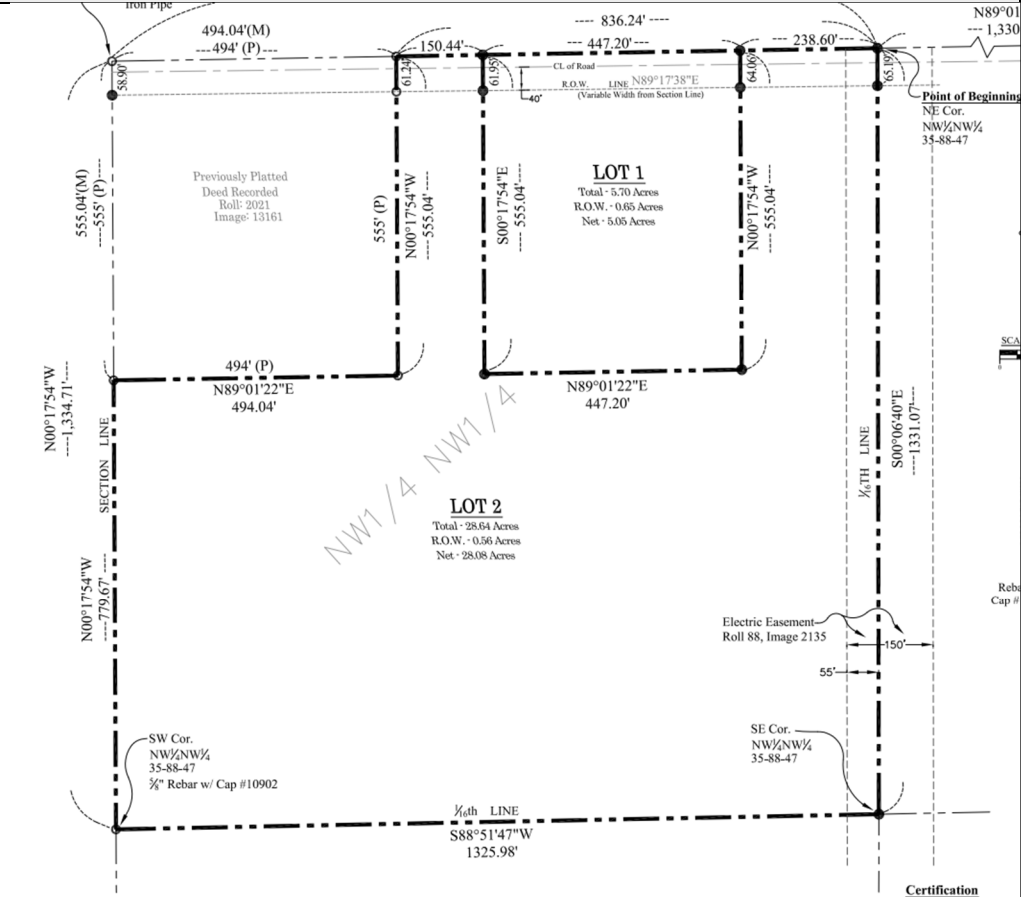
SUMMARY

K&L Legacy Farms, LLC (Peter Kerr & Jean Kerr) have filed for a two (2) lot minor subdivision on the property identified as Parcel #884735100002 and referenced above. This proposal has been properly noticed in the Sioux City Journal Legals Section on March 11, 2023. The neighbors within 1000 FT have been duly notified via a March 10, 2023 letter about the March 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 23-06 on February 28, 2023. The property 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.

AERIAL MAP



PLAT EXCERPT



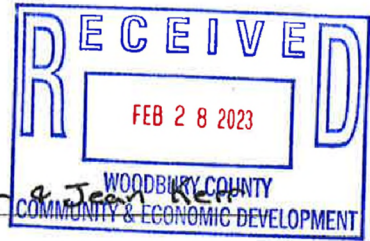
STAFF RECOMMENDATION

Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval.

Suggested Motion: Motion to recommend the approval of the *Kerr Addition* to the Board of Supervisors.

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION



Applicant: Alex Lindblom K & L Legacy: Pete Kerr & Jean Kerr
2036 S Palmco St. Name of Owner
Stowx City, IA 51006-3014
Mailing Address: 1620 210th St. Sergeant Bluff Iowa 51054-8020
Street City or Town State and Zip - 4

Property Address: To be determined
Street City or Town State and Zip + 4

↑
owner

Ph/Cell #: 712-389-0903 E-mail Address: alindb2011@aol.com

To subdivide land located in the NW 1/4 NW 1/4 Quarter of Section 35

Civil Township Woodbury (T88N R47W) GIS Parcel # 88473510002

Name of Subdivision: Kerr Addition

Subdivision Area in Acres 34.34 Number of Lots 2

Attachments:

1. Eight (8) copies of grading plans: if required.
2. Eight (8) 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: Gregg Stroschein, PLS (712) 259-0483
Scott Gemhart, PG Ph/Cell: (712) 870-9789

Attorney: Ryan Ross Ph/Cell: (712) 224-7585

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

Owner's Signature: Peter Kerr
Zoning Director: [Signature]

For Office Use Only:

Zoning District AP Flood District 22SD Date _____ No. 6838

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$300 ch# 1050
5 Lots or more (\$300* plus \$5 per lot + Additional Fees) _____

*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

Surveyor:	Gregg A. Stroschein, 712-239-0483
County:	Woodbury, IA 51039
Section(s):	35 T. 88N., R. 47W
Adjacent Part.:	Parts of NW¼, NW¼, NW¼
Proprietor(s):	K&L Legacy Farms
Requested by:	Alex Lindholm

FINAL PLAT

OF

Kerr Addition

A MINOR SUBDIVISION

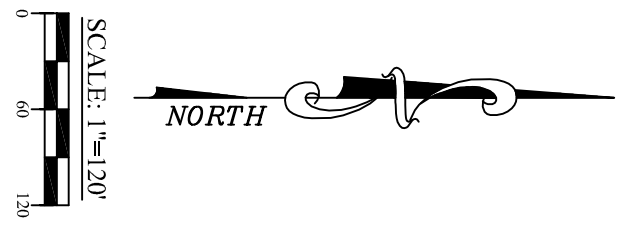
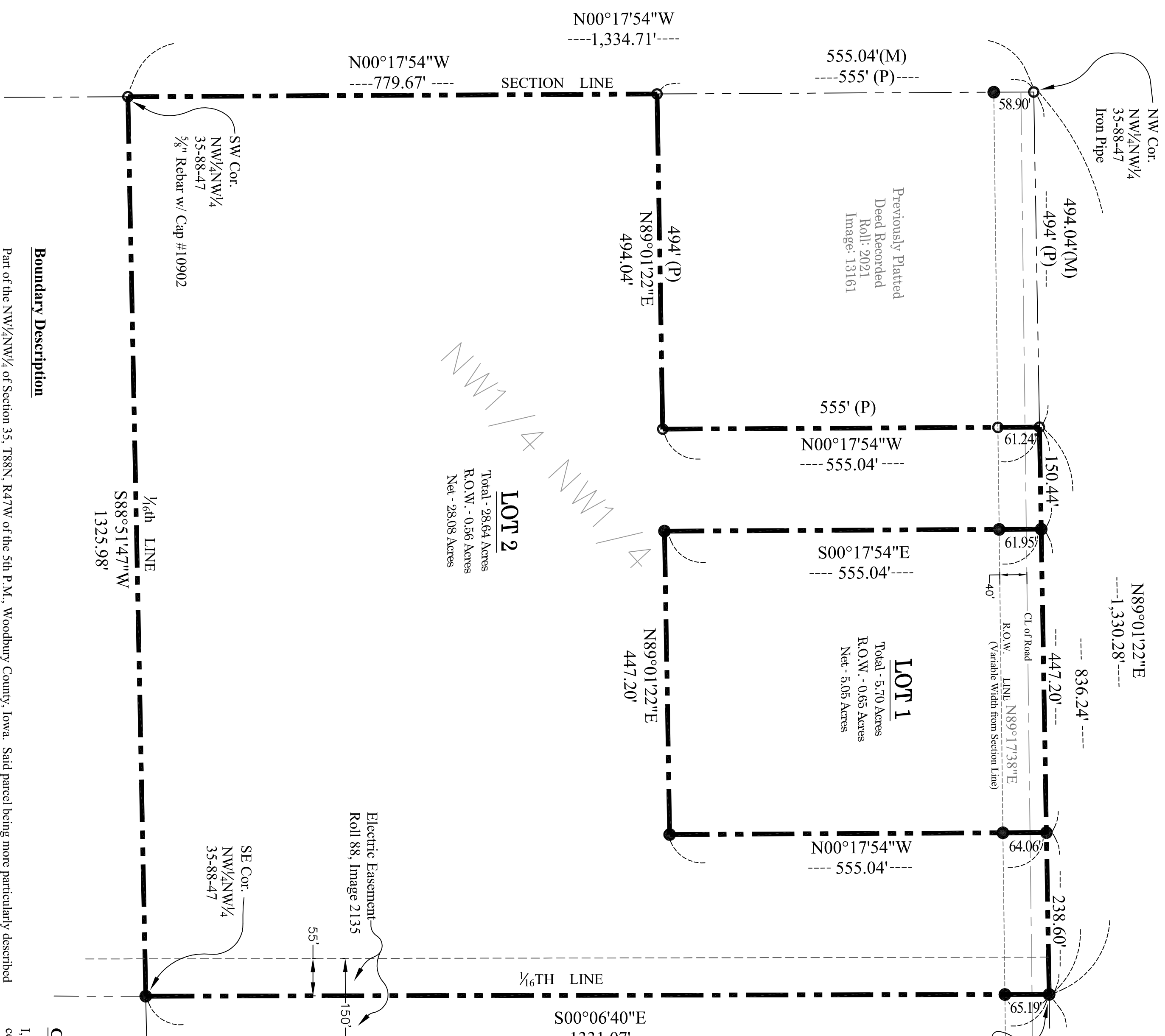
IN THE NW¼, NW¼ OF SECTION 35, T88N, R47W OF THE 5TH P.M., AND ADDITION TO WOODBURY COUNTY, IOWA

Zoning: AP, Ag Preservation
Building Setback Lines:
 Front: 100'
 Rear: 50'
 Side: 20'

Statistical Data:
 Area of Subdivision = 34.34 Acres
 Street Right-of-Way = 1.21 Acres
 Lots: 2

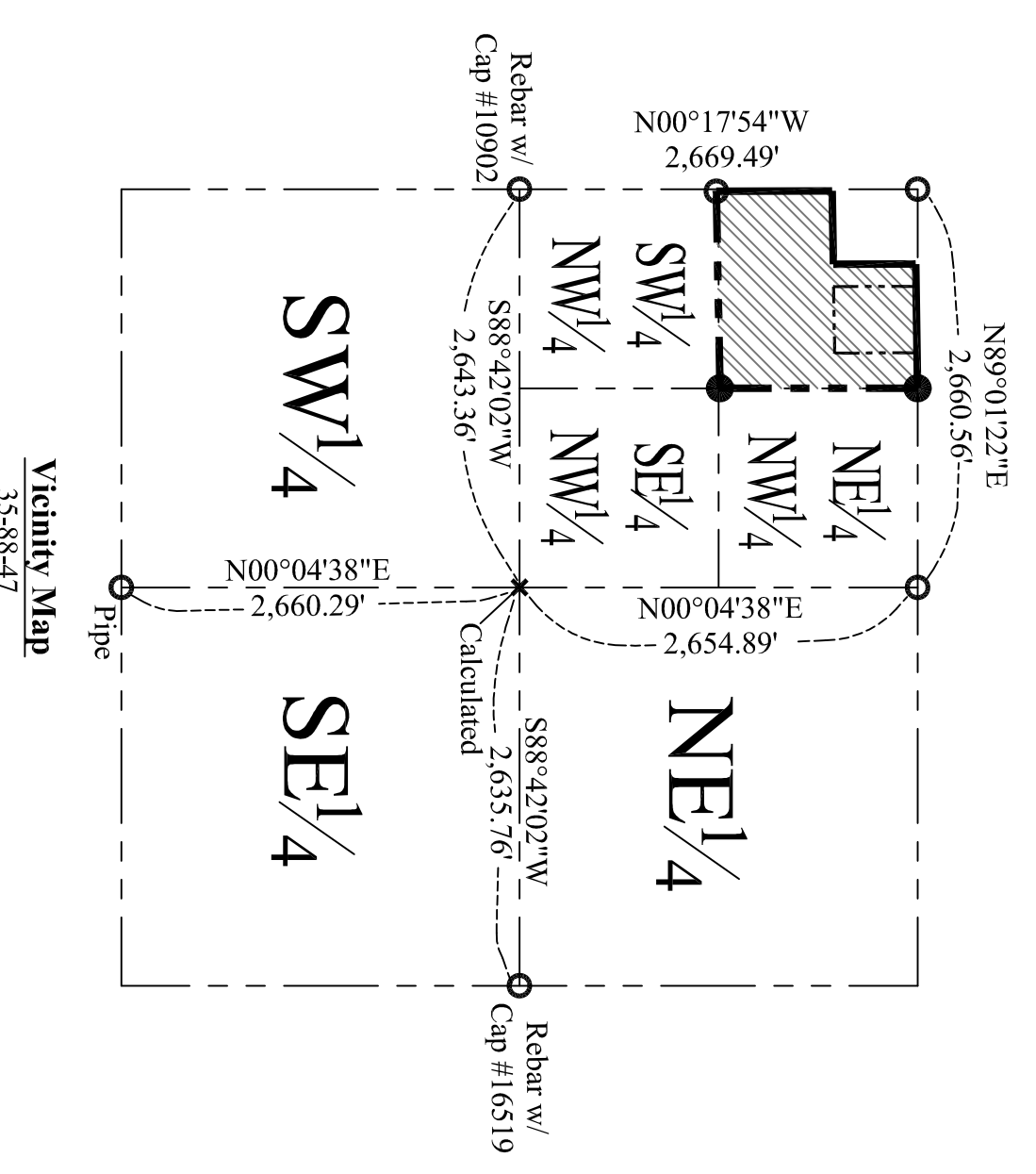
LEGEND
 ○ PIN FOUND 5/8" P.N.
 UNLESS OTHERWISE INDICATED
 ● SET 5/8" REBAR W/ CAP #10902

NOTES:
 • All Bearings and Distances are Measured Unless Otherwise Indicated
 • Portions of the Property are within the 100-yr floodplain.
 • The 100-yr flood elevation is determined to be 1,048.4 (NAD83). This elevation is determined by the Iowa DNR Flood Plain Management and Dam Safety Section, DNR Project ID #2022-1605.



Owners/Subdividers:
 K&L Legacy Farms
 1620 210th Street
 Sergeant Bluff, IA 51054

Engineer/Surveyor:
 Scott L. Gemhart, P.E.
 Gregg A. Stroschein, P.L.S.
 True Engineering & Land Surveying, LLC
 325 Howard Road
 Moville, Iowa 51039



Boundary Description

Part of the NW¼, NW¼ of Section 35, T88N, R47W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

Beginning at the NE corner of said NW¼, NW¼, thence southerly along the east line of the NW¼, NW¼ on an assumed bearing of S00°06'40\"/>

Said described parcel of land contains 34.34 acres and is subject to all easements and right-of-ways of record.

Certification

I, Gregg A. Stroschein, a duly Licensed Land Surveyor under the laws of the State of Iowa, do hereby certify that there are contained in said description, the lots described in the subdivision as platted; that the lots, blocks, streets and easements are of the dimensions, numbers, names and locations as shown on said plat; and that iron stakes are set at each corner of every lot of said subdivision as indicated hereon.

Gregg A. Stroschein PLS #10902
 License renewal date: 12-31-23

Date _____
 Pages covered by seal _____



FINAL PLAT
OF
Kerr Addition
A MINOR SUBDIVISION
IN THE NW¼ NW¼ OF SECTION 35, T88N, R47W OF THE 5TH P.M.,
AND ADDITION TO WOODBURY COUNTY, IOWA

CONSENT OF OWNERS

K&L Legacy Farms, L.L.C. is the Owners of the real estate described in the attached Surveyor's Certificate, has in the pursuance of the law, caused said described real estate to be surveyed, staked and platted into lots, outlots and streets, as is particularly shown and set forth in the attached Plat and said Certificate of Gregg Strochtein, a Licensed Surveyor who surveyed and platted the real estate to be known as Kerr Addition, an addition to Woodbury County, Iowa, and that the same is prepared with the free consent and in accordance with the desires as owners and proprietors thereof.

Peter Kerr, Manager _____ Date _____

Jean Kerr, Manager _____ Date _____

STATE OF IOWA, COUNTY OF WOODBURY :

On this _____ day of _____, 2023, before me, the undersigned, a notary public in and for said state, personally appeared Peter Kerr and Jean Kerr, to me personally known, who being by me duly (sworn or affirmed) did say that these persons are the managers of K & L Legacy Farms, L.L.C. by authority of its managers and members and that said managers, acknowledged the execution of said instrument to be the voluntary act and deed of K & L Legacy Farms, L.L.C. an Iowa limited liability company, by it voluntarily executed.

Notary Public _____

RESOLUTION & CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY

I, Christine 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 Final Plat of Kerr Addition, to Woodbury County, Iowa and that said Woodbury County Zoning Commission of Woodbury County, Iowa, did on the _____ Day of _____, 20____ approve the same and does further recommend to the Woodbury County Board of Supervisors, Woodbury County, Iowa, the acceptance and approval of said plat.

Dated this _____ Day of _____, 20____.

Christine Zellmer-Zant, Chairman
Woodbury County Zoning Commission of Woodbury County, Iowa

BOARD RESOLUTION NO. _____.

Resolution accepting and approving the Plat of Kerr Addition an addition to Woodbury County, Iowa.

Whereas, the Planning and Zoning Commission and the Woodbury County Board of Supervisors have reviewed and approved the Final Plat of Kerr Addition to Woodbury County, Iowa, and whereas approval of the Final Plat of Kerr Addition to Woodbury County, Iowa has been recommended to the Woodbury County Board of Supervisors by the Planning and Zoning Commission. Now, therefore be, and it is, resolved by the Woodbury County Board of Supervisors, that said Final Plat of Kerr Addition to Woodbury County, Iowa, as hereto attached and forming part of this Resolution be, and the same hereby is, accepted and approved.

Dated _____, 2023

WOODBURY COUNTY BOARD OF SUPERVISORS

ATTEST:

Patrick F. Gill, Woodbury County Auditor and Recorder _____ Matthew Urbg, Chairperson

STATE OF IOWA :
COUNTY OF WOODBURY : ss

I, Patrick F. Gill, Woodbury County Auditor and Recorder, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution accepting and approving the Final Plat of Kerr Addition to Woodbury County, Iowa, which said Resolution was adopted by the Woodbury County Board of Supervisors on the _____ day of _____, 2023 and approved on said date all as full, true and complete as the same appears of record in the Office of said Auditor and Recorder.

Dated _____, 2023
Patrick F. Gill, Woodbury County Auditor and Recorder _____

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

TITLE OPINION _____, 2023

County Auditor and Recorder
Woodbury County, Iowa

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.11(1)(G) to property which includes in its entirety, property described in the surveyor's certificate on the plat of Kerr Addition, a Minor Subdivision in the NW¼, NW¼, of Section 35, T88N, R47W of the 5th P.M., an Addition to 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 K & L Legacy Farms, L.L.C. an Iowa limited liability company, subject to the following, items, limitations and exceptions:

1. The County Road Right of Way and Electric Easements as shown on the Final Plat of Kerr Addition.
2. An Easement between K & L Legacy Farms, L.L.C. (Grantor) and Summit Carbon Solutions, LLC (Grantee), dated November 19, 2021, and filed January 3, 2022, in Document No. 2022-00073.
3. 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

NOTICE

The City Council of Sergeant Bluff, Iowa, Pursuant to Authority Granted in Iowa Code Section 354.9 Visited the City's Review and Approval of the Final Plat of the Kerr Addition, as would otherwise be required by the City's Code of Ordinances, with the Adoption of Resolution No. 23-06 on the 28th day of February, 2023.

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA :
COUNTY OF WOODBURY : ss

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

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

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

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, Tina M. 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 M. Bertrand, Treasurer, Woodbury County, Iowa

CERTIFICATE OF COUNTY ASSESSOR

I, Julie Conolly, hereby certify that on the _____ day of _____, 20____, a copy of this plat was filed in the County Assessor's Office.

Dated: _____

Julie Conolly,
County Assessor

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. If there are any mortgages or leans on the property, consent to plat certifications must be either on the final plat or recorded as a separate attachment. If there are any city council resolutions for extraterritorial review waiving or approving the final plat, they must be either on the final plat or recorded as a separate attachment.
	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. If there are any mortgages or leans on the property, consent to plat certifications must be either on the final plat or recorded in the Recorder's office as a separate document/attachment. If there are any city council resolutions for extraterritorial review waiving or approving the final plat, they must be either on the final plat or recorded in the Recorder's office as a separate document/attachment.
	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
	Staff does not recommend any specific 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 – CITY RESOLUTION TO BE RECORDED WITH FINAL PLAT
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. 23-06 that was passed and approved on the 28th of February, 2023.

RESOLUTION NO. 23-06

A RESOLUTION WAIVING THE SERGEANT BLUFF CITY COUNCIL'S RIGHT TO REVIEW AND APPROVE A SUBDIVISION TO BE KNOWN AS KERR 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 KERR ADDITION; and

WHEREAS, the property is located in Woodbury 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 KERR 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 210th 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 KERR SUBDIVISION at their February 7, 2023 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 KERR 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 KERR SUBDIVISION for recording with the Woodbury County Recorder.

Council Member Carol Clark introduced the resolution and moved that said resolution be adopted; seconded by Council Member Jim Linafelter 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 28th day of February, 2023.



Mayor

Attest:



City Clerk

I, Danny Christoffers, City Clerk, do hereby certify that the foregoing Resolution 23-06 was duly and properly adopted by the City Council of the City of Sergeant Bluff, Iowa at its regular meeting the 28th day of February 2023.



CITY CLERK

EXHIBIT A

Part of the NW1/4NW1/4 of Section 35, T88N, R47W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

Beginning at the NE corner of said NW1/4NW1/4; thence southerly along the east line of the NW1/4NW1/4 on an assumed bearing of S00°06'40"E (with all subsequent bearings referenced therefrom) for a distance of 1,331.07 feet to the SE corner of said NW1/4NW1/4; thence S88°51'47"W along said quarter-quarter line for a distance of 1,325.98 feet to the SW corner of the NW1/4NW1/4; thence N00°17'54"W along said quarter-quarter line for a distance of 779.67 feet; thence N89°01'22"E for a distance of 494.04 feet; thence N00°17'54"W for a distance of 555.04 feet to a point on the northerly line of Section 35; thence N89°01'22"E along said section line for a distance of 836.24 feet to the NE corner of said NW1/4NW1/4 and the Point of Beginning.

Said described parcel of land contains 34.34 acres and is subject to all easements and right-of-ways of record.

LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING

Published in the Sioux City Journal Legals section on March 11, 2023.

NOTICE OF A PUBLIC HEARING REGARDING A MINOR SUBDIVISION BEFORE THE WOODBURY COUNTY ZONING COMMISSION
 The Woodbury County Zoning Commission will hold a public hearing on the following item hereafter described in detail on March 27, 2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board Room, 1022 12th Street, Sioux City, Iowa, 52202.

2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board Room, 1022 12th Street, Sioux City, Iowa, 52202. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 5th floor of the Woodbury County Administration Center, 2008 S. Parnello Street, Sioux City, IA 51106-3014. All persons who wish to be heard at the hearing should appear at the above-said hearing in person or call: 715-454-1159 and enter the Conference ID: 316 721 1359. Hearing requests should be submitted in person as there is the possibility for technical difficulties with phone and computer systems.

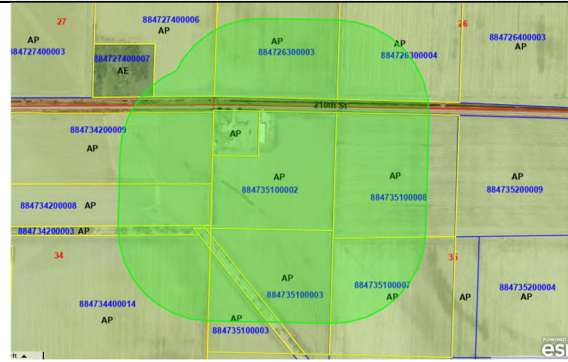
PROPOSED MINOR SUBDIVISION: To be approved in a 34.34-acre portion of Section 36, T88N R47W (Woodbury Township) in the NW 1/4 of the NW 1/4 on Parcel #88473510002. The parcel is located about 1.7 miles west of Sergeant Bluff. The property is located in the Special Flood Hazard Area Zone A – Floodplain. Owner(s) /Applicant(s): K&L Legacy Farms, LLC (Peter Kerr & Jean A. Kerr), 1620 210th Street, Sgt. Bluff, IA 51054. Applicant's Land: 2008 S. Parnello Street, Sioux City, IA 51106-3014.

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The 11 property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **March 10, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **March 27, 2023**.

As of **March 22, 2023**, the Community and Economic 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.



Name	Address	City	State	Zip	COMMENTS:
K&L Legacy Farms LLC	1620 210th Street	Sgt. Bluff	IA	51054	No comments.
Trustees of the Joint Revocable Trust of Peter A. Kerr and Jean A. Kerr	1620 210th Street	Sgt. Bluff	IA	51054	No comments.
F. Svuba Farms, Inc	43653 150th Ave.	Laurens	IA	50554	No comments.
Gina Green and Linda Hoffmeier	2630 250th St. 4236 Hickory Lane, Apt	Denison	IA	51442	No comments.
Sara Ann Peterson and Roger Douglas Edwards	301	Sioux City	IA	51106	No comments.
Trustee of the Agnes L. Hoffmann Revocable Trust	301 Dakota Dunes Blvd.	Dakota Dunes	SD	57049	No comments.
Union Pacific Railroad	1400 Douglas Street STOP 1640	Omaha	NE	68179-1640	No comments.
D & JL, LLC	35855 C-38	Le Mars	IA	51031	No comments.
Terry Lester	1575 210th St.	Sgt. Bluff	IA	51054	No comments.
Kermit Farms, LLC	23725 100th St.	Hornick	IA	51026	No comments.
Donald R. Hamann, Trustee of the Donald R. Hamann Revocable Trust and Lorna G. Hamann, Trustee of the Lorna G. Hamann Revocable Trust	304 Division Street, PO Box M	Anton	IA	51004-0603	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
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):	No conflicts for MEC gas either. – Tyler Ahlquist, 3/3/23
MIDAMERICAN ENERGY COMPANY (Gas Division):	I have reviewed for attached proposed minor subdivision for MEC electric, we have no conflicts. – Casey Meinen, 3/3/23
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, 3/8/23.
NUSTAR PIPELINE:	No comments.
SIUXLAND DISTRICT HEALTH DEPARTMENT:	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 MEMO BELOW:
WOODBURY COUNTY RECORDER:	Looks good to me. – Diane Swoboda Peterson, 3/6/23.

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, 3/3/23.
WOODBURY COUNTY TREASURER:	The taxes are current. The September 2022 payment was made on 9/15/22 and the March 2023 payment was made on 2/1/2023. – Kim Koepke, 3/3/23

REVIEW MEMO – MARK J. NAHRA, PE – WOODBURY COUNTY ENGINEER, SECONDARY ROADS DEPARTMENT



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: March 24, 2023
 Subject: Kerr Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated March 3, 2023.

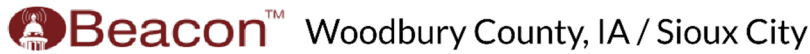
I am offering the following comments for your consideration.

- 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 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 under 10 acres in size according to county driveway policy.
- 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

PARCEL REPORT



Summary

Parcel ID 884735100002
 Alternate ID 829680
 Property Address N/A
 Sec/Twp/Rng 35-88-47
 Brief Tax Description EX N 555 FT W 494 FT NW NW 35-88-47
 (Note: Not to be used on legal documents)
 Deed Book/Page [2021-07604 \(6/4/2021\)](#)
 Gross Acres 32.51
 Net Acres 32.51
 Adjusted CSR Pts 2084.62
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0039 WOODBURY/SB/L
 School District SGT BLUFF LUTON
 Neighborhood N/A

Owner

Deed Holder
[K & L Legacy Farms LLC](#)
[1620 210th St](#)
 Sergeant Bluff IA 51054
Contract Holder
Mailing Address
 K & L Legacy Farms LLC
 1620 210th St
 Sergeant Bluff IA 51054

Land

Lot Area 32.51 Acres ; 1,416,136 SF

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building		56	210	1977	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
5/27/2021	KERR NANCY A INTER VIVOS TRUST	K & L LEGACY FARMS LLC	2021-07604	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00

[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	\$52,770	\$52,770	\$49,890	\$49,890	\$72,610
+ Assessed Building Value	\$4,980	\$4,980	\$4,550	\$4,550	\$6,280
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$57,750	\$57,750	\$54,440	\$54,440	\$78,890
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$57,750	\$57,750	\$54,440	\$54,440	\$78,890

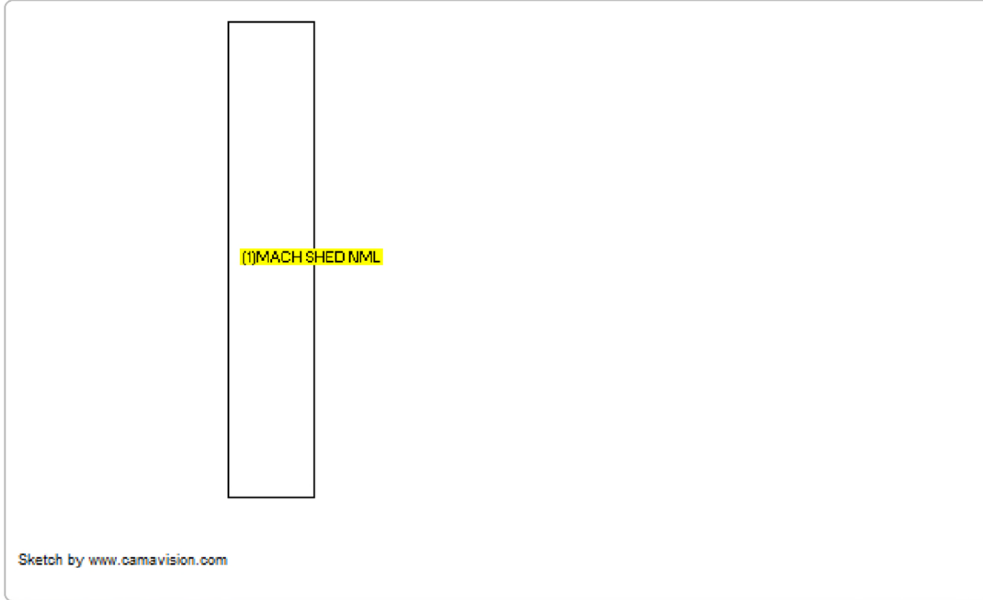
Sioux City Special Assessments and Fees

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

Woodbury County Tax Credit Applications

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

Sketches



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

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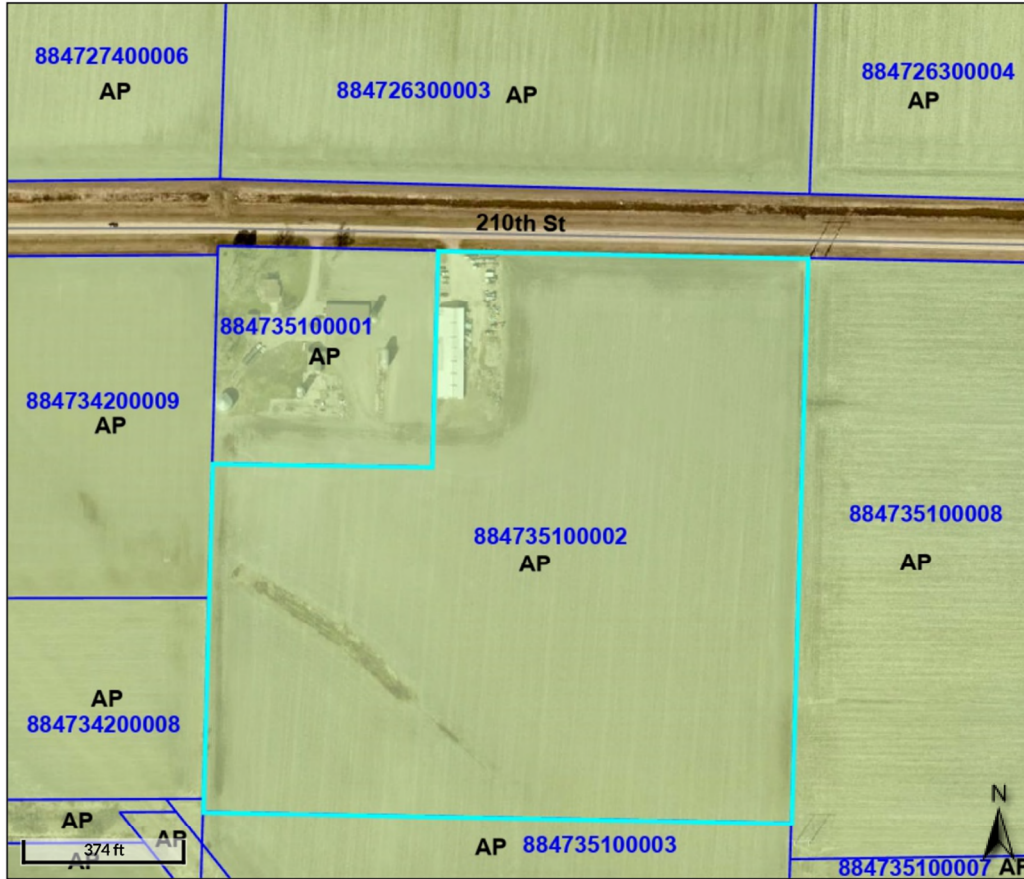
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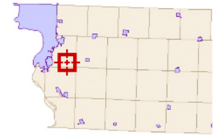
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ZONING MAP













 **Beacon**TM 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	884735100002	Alternate ID	829680	Owner Address	K & L LEGACY FARMS LLC
Sec/Twp/Rng	35-88-47	Class	A		1620 210TH ST
Property Address		Acreage	32.51		SERGEANT BLUFF, IA 51054
District	0039				
Brief Tax Description	EX N 555 FT W 494 FT NW NW 35-88-47				
	(Note: Not to be used on legal documents)				

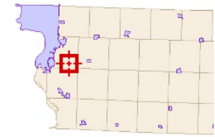
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Beacon™ Woodbury County, IA / Sioux City



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
- County Zoning**
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

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Date created: 3/2/2023
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<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>

BASE FLOOD ELEVATION DETERMINATION



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG

DIRECTOR KAYLA LYON

8/18/2022

ALEX LINDBLOM
C/O ALEX LINDBLOM
2036 S PALMETTO ST
SIOUX CITY, IA 51106

Project Description: BFE Determination – For an eventual residential structure. (Farmers Ditch)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.4006/-96.2886; Woodbury County

Iowa DNR Project ID Number: 2022-1663

Dear Alex Lindblom:

This is in reference to your request for determination of the "100-year" flood elevation (a.k.a. the base flood elevation, or BFE) for the property identified on your application. The Flood Insurance Rate Map (FIRM) for Woodbury County shows a portion of this property as being in the Special Flood Hazard Area (SFHA).

Based on the information available, we estimate the current existing condition 100-year flood elevation to be 1,084.8', NAVD88 at the location referenced above. You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please be aware when planning future construction that elevating beyond the required 1 foot above the BFE will not only reduce flood risk, but might also result in lower flood insurance rates.

Please contact me by phone at 515-725-8368 or by email at graham.young@dnr.iowa.gov with any questions.

Sincerely,

Digitally signed by
Graham Young
Date: 2022.08.18
11:01:07 -05'00'

Graham Young
Flood Plain Management and Dam Safety Section

CC: Alex Lindblom; 2036 S Palmetto St, Sioux City, IA, 51106, alindb2011@aol.com
Dan Priestley; 620 Douglas St Fl 6, Sioux City, IA, 51101-1247, dpriestley@woodburycountyiowa.gov

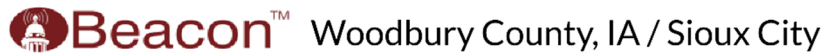
Phone: 515-725-8200

WALLACE BUILDING, 502 E 9TH ST, DES MOINES IA 50319

www.iowadnr.gov

Fax: 515-725-8202

SOIL REPORT



Summary

Parcel ID	884735100002	
Gross Acres	32.51	
ROW Acres	0.00	
Gross Taxable Acres	32.51	
Exempt Acres	0.00	
Net Taxable Acres	32.51	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	65.77	(2138.05 CSR2 Points / 32.51 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	30.99	65.14	2,018.74	2,018.74
Non-Crop	1.52	78.49	119.31	65.88
Total	32.51		2,138.05	2,084.62

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	255	COOPER SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODE	86.00	5.99	515.14	515.14
100% Value	465	TIEVILLE SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	63.00	7.15	450.45	450.45
100% Value	66	LUTON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	59.00	17.85	1,053.15	1,053.15
Non-Crop	255	COOPER SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODE	86.00	1.05	90.30	47.56
Non-Crop	465	TIEVILLE SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	63.00	0.32	20.16	12.58
Non-Crop	66	LUTON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	59.00	0.15	8.85	5.74
Total				32.51	2,138.05	2,084.62

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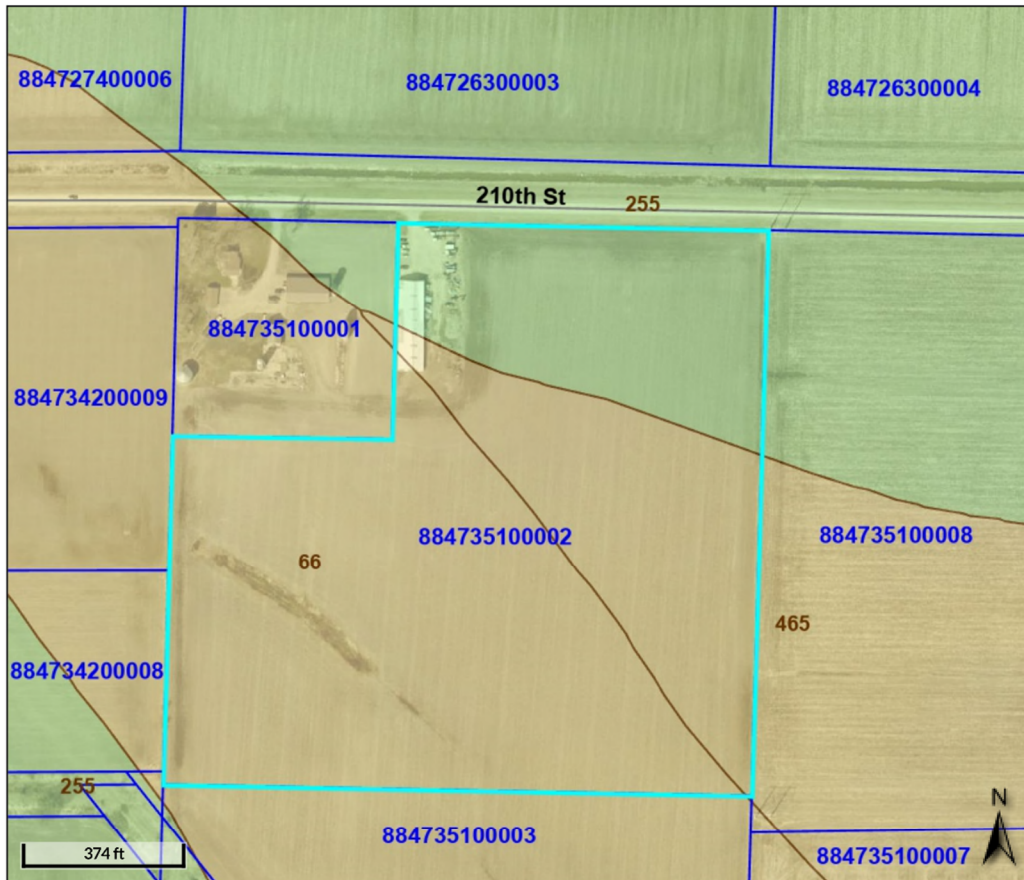
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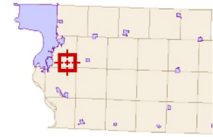
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SOIL MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

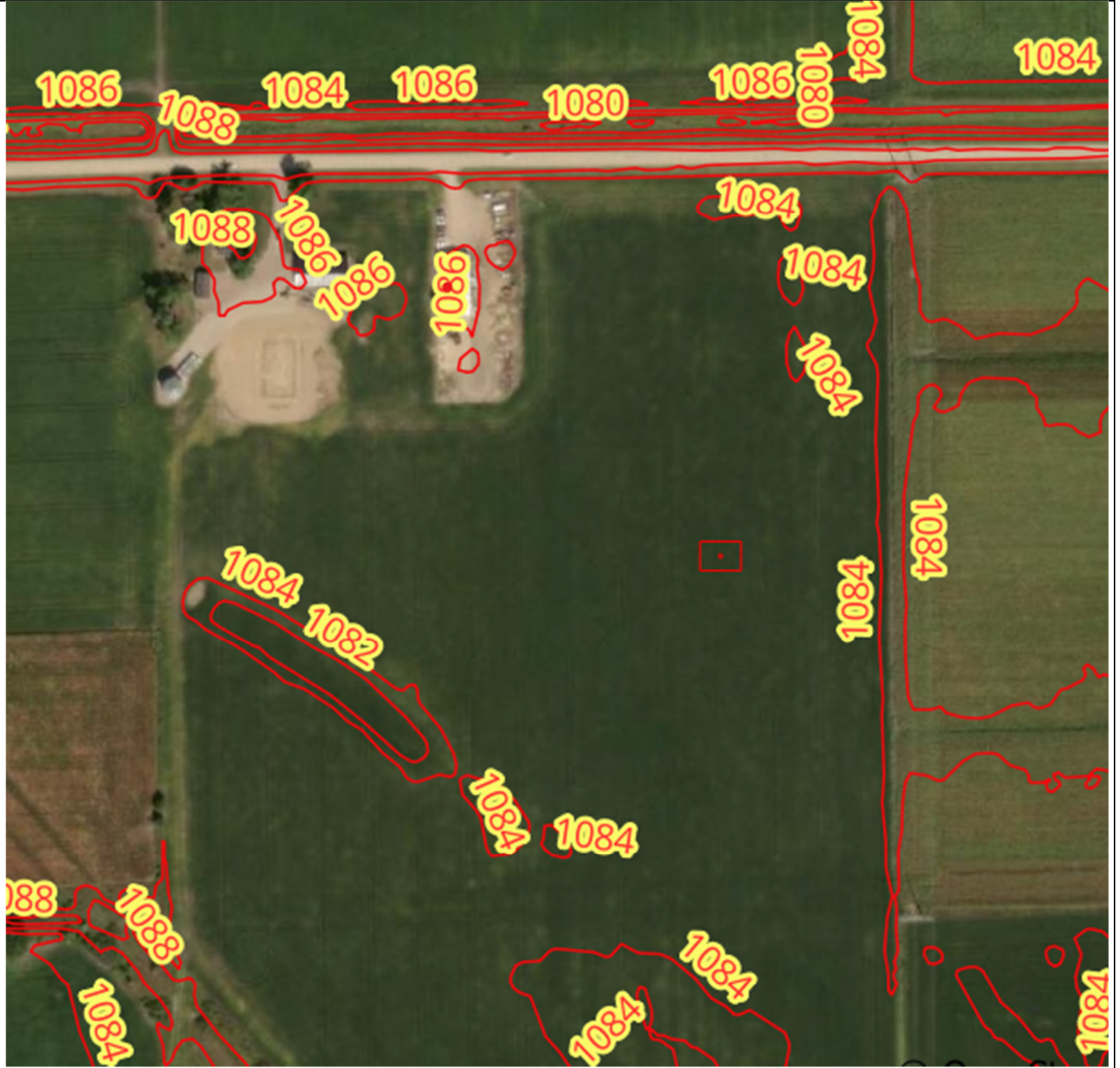
- Roads
- Soils**
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
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- Townships
- Parcels

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ELEVATION



WELL & SEPTIC LOCATIONS

From: Alex Lindblom <alindb2011@aol.com>
Sent: Wednesday, March 8, 2023 4:31 PM
To: Daniel Priestley

Follow Up Flag: Follow up
Flag Status: Flagged

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 WQCC and DO NOT ENTER any data.**

Dan,
Sorry been working nights and sleeping during the day, but talked with Scott and I'm following up on the well and septic. There is currently no well or septic on the new 2 lots5 that are being divided. Only well and septic is on the current 5 acre residents that my parents live on. The well is right on the southwest corner of the 3 stall detached garage and the septic is directly west of their house. Let me know if you have other questions!

Thanks
Alex

[Sent from the all new AOL app for iOS](#)