



WOODBURY COUNTY ZONING COMMISSION

Monday, April 24, 2023 at 6:00 PM

The Zoning Commission will hold a public meeting on **Monday, April 24, 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: March 27, 2023
5	ITEM(S) OF BUSINESS
»	<p>PUBLIC HEARING: NIEMEYER ADDITION, MINOR SUBDIVISION PROPOSAL ON PARCEL #894607100006 Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100006 in the SW ¼ of the NW ¼ of Section 7, T89N R46W (Concord Township). The parcel is located in the Agricultural Preservation (AP) Zoning District. The property is addressed at 1130 Barker Avenue, Sioux City, IA 51108. This subdivision application is being considered concurrently with a Conditional Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services.</p>
»	<p>REVIEW OF CONDITIONAL USE PERMIT APPLICATION: LANDSCAPING SERVICES, NURSERY BUSINESS, AND OTHER RELATED USES, ETC. ON PARCEL #894607100006 Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher (Applicant) has filed for a conditional use permit application to use the property for landscaping and a nursery on a portion of the property identified as Parcel #894607100006 in the SW ¼ of the NW ¼ of Section 7, T89N R46W (Concord Township). The parcel is located in the Agricultural Preservation (AP) Zoning District. The property is addressed at 1130 Barker Avenue, Sioux City, IA 51108. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the AP Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. This conditional use permit application is being considered concurrently with a one-lot minor subdivision application to establish a 4.5-acre lot.</p>
»	<p>REVIEW OF CONDITIONAL USE PERMIT APPLICATION: VENDOR SALES OF ALCOHOL DURING RAGBRAI ON PARCEL #894407100006, 2590 110th St., Merville, IA 51039 Backpocket Brewing (Applicant) and property owners Chad and Tara Schmitt have filed for a Conditional Use Permit application to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is on Parcel #894407100006 in the NW ¼ of Section 7, T89N R44W (Arlington Township). The property is addressed at 2590 110th St., Merville, IA 51039. The parcel is located in the Agricultural Preservation (AP) Zoning District. The Woodbury County Board of Supervisors approved Ordinance #69, effective November 16, 2022, authorizing this request as a conditional use in the AP District.</p>

»	<p>REVIEW OF CONDITIONAL USE PERMIT APPLICATION: TEMPORARY BORROW PITS ON TWO PROPOSED BORROW AREAS: BORROW AREA #1: Parcel(s) 884704200001 & 884704200003; BORROW AREA #2: Parcel(s): 884702100006</p> <p>JB Holland Construction, Inc. (Applicant) and property owners Eric Hennings and Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001, Parcel #884704200003 and Parcel #884702100006. Both parcels are located on the south side of Highway 20. Each parcel is currently used as farm ground. The proposed cut area on Parcel #884704200001 and Parcel #884704200003 is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds³. The proposed cut area on Parcel #884702100006 is 8-10 acres. The work area is 10 acres, and the total excavation for export is 100,000-150,000 yds³. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the floodplain. However, this area will not be a part of the borrow site.</p>
»	<p>INFORMATION / DISCUSSION: WOODBURY COUNTY SOLAR ENERGY REQUIREMENTS REVIEW FOR POSSIBLE CHANGES TO ZONING ORDINANCE</p>
»	<p>INFORMATION / DISCUSSION: SUMMARY OF PROPOSED REVISIONS TO WOODBURY COUNTY ORDINANCE #56: AMENDMENTS TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS TO INCREASE CERTAIN SETBACK REQUIREMENTS TO THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.</p>
»	<p>INFORMATION / DISCUSSION: WOODBURY COUNTY COMPREHENSIVE PLAN 2040 UPDATE</p>
6	<p>PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA</p>
7	<p>COMMISSIONER COMMENT OR INQUIRY</p>
8	<p>STAFF UPDATE</p>
9	<p>ADJOURN</p>



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

The Zoning Commission (ZC) meeting convened on the 27th of March 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: Barb Parker, Corey Meister, Jeff O'Tool
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Dan Bittinger, Gayle Palmquist, Vicki Hulse, Jana Martens

Call to Order

Temporary Chair Barb Parker formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

Motion to accept a map submitted by Gayle Palmquist by O'Tool: Second by Meister (See Figure 1 - attached). Approved 3-0. Palmquist presented a map showing where possible pipelines would be located. Palmquist offered information on possible risks, safety concerns, and procedures for allowing CO2 pipelines in Woodbury County. Hulse and Martens offered their concerns about the pipelines and inquired about how the county will approach the issue and the conditional use process. Hulse encouraged participation in the April 7 public officials round table. Priestley explained the conditional use review process including the Zoning Commission review and the Board of Adjustment decision-making process as well as the public hearing process. Both boards must review the standards and conditions (criteria) of a conditional use permit in order to make a determination. Property owners within 500 FT are notified about the conditional use permit request with the dates and times of the meetings and public hearing. Each parcel where a CO2 pipeline may possibly pass through can be included in one application, but criteria items would be reviewed for each individual parcel. Priestley stated the current conditional use permit application process was put into place with the adoption of the Zoning Ordinance in 2008 which resulted from the 2005 development plan. Supervisor Bittinger addressed concerns of lawsuits in federal court challenging local governments' authority to regulate the pipelines. A public round table meeting will be hosted by the Woodbury County Supervisors on April 7. Neighboring county officials are invited to attend to discuss each county's strategies for permitting CO2 pipelines. The Woodbury County Board of Supervisors have drafted a letter to the Iowa Utilities Board and an agenda item is set for the March 28, 2023 to consider approval of the letter.

Approval of Previous Meeting Minutes – February 27, 2023

O'Tool motioned. Second: Meister. Motion carried: 3-0.

Public Hearing: Kerr Addition, Minor Subdivision Proposal on Parcel #884735100002

Priestley read the preliminary report and staff recommendation into the record for the proposed Kerr Addition. 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. The proposal has been property 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. 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 and is recommended by staff. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion by O'Tool to recommend approval of the Kerr Addition and forward to Board of Supervisors. Second: Meister. Motion carried 3-0.

Information/Discussion: Woodbury County Comprehensive Plan 2040 Update

Priestley discussed the progress on the comprehensive plan. SIMPCO will hold an open house on April 26, 2023 from 5:00 PM to 6:30 PM to review the comp plan and to receive comments from the public.

Public Comment on Matters Not on the Agenda

Palmquist stated an attorney does not feel a conditional use permit is the way to regulate CO2 pipelines. Supervisor Bittinger stated the Board of Supervisors are looking into ways to regulate pipelines while also avoiding costly lawsuits that other counties are dealing with. Hulse suggested preparing an ordinance and not signing it until decisions have been made on how to proceed.

Commissioner Comment or Inquiry

None

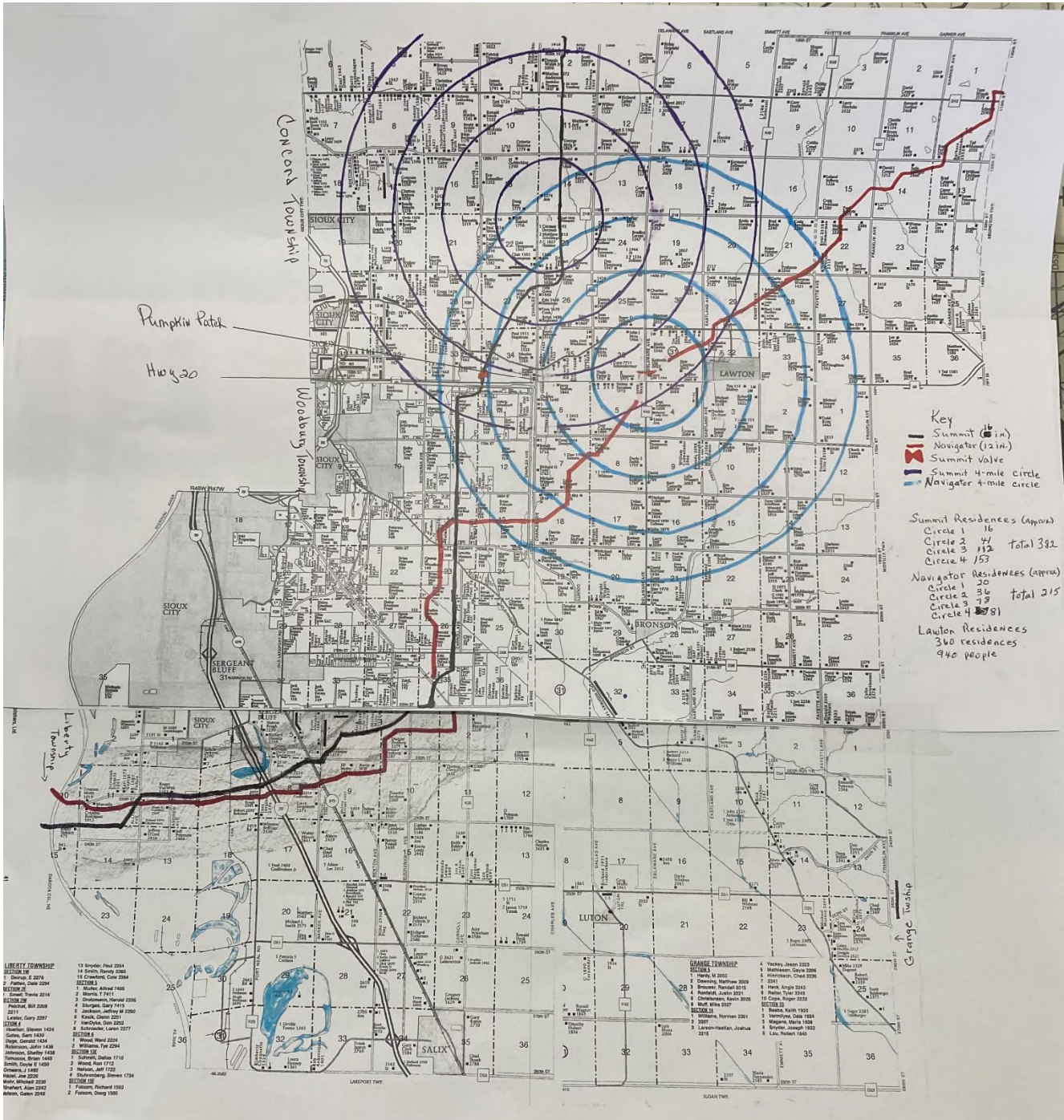
Staff Update

Iowa State University Extension and Outreach will provide a Zoning Training session on zoning April 27, 2023 at the Hilton Garden Inn. Board of Supervisors, Zoning Commission, and Board of Adjustment members are invited to attend.

Adjourn

Motion by Meister. Second: O-Tool. Carried 3-0. The meeting adjourned at 6:53 PM.

ATTACHMENT – FIGURE 1





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 – APRIL 19, 2023

MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST NIEMEYER ADDITION – MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS:

Owner(s): Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust
Application Type: Minor Subdivision (1 Lot)
Subdivision Name: Niemeyer Addition
Application Date: March 30, 2023
Subdivision Area: 4.500 Acres
Legal Notice Date: April 8, 2023
Stakeholder (1000') Letter Date: April 14, 2023
Zoning Commission Public Hearing Date: April 24, 2023
Board of Supervisors Agenda Date: TBD

PROPERTY DETAILS:

Parcel(s): 894607100006
Township/Range: T89N R46W (Concord Township)
Section: 7
Quarter: SW ¼ of the NW ¼
Zoning District: Agricultural Preservation (AP)
Floodplain District: Zone X (Not in Floodplain)
Address: 1130 Barker Avenue, Sioux City, IA 51108

TABLE OF CONTENTS:

Summary, Aerial, Plat Excerpt & Recommendation
 Application
 Final Plat
 Review Criteria
 Extraterritorial Review
 Legal Notification
 Adjacent Owners' Notification
 Stakeholder Comments
 Supporting Documentation

SUMMARY

Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100006. This subdivision application is being considered concurrently with a Conditional Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. The neighbors within 1000 FT have been duly notified via a April 14, 2023 letter about the April 24, 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 new lot has adequate access. The Engineer did reference the consistency with the legal description and stated that the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via a purchase agreement. The purchase agreement states "after closing, buyer agrees to grant access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate" Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval.

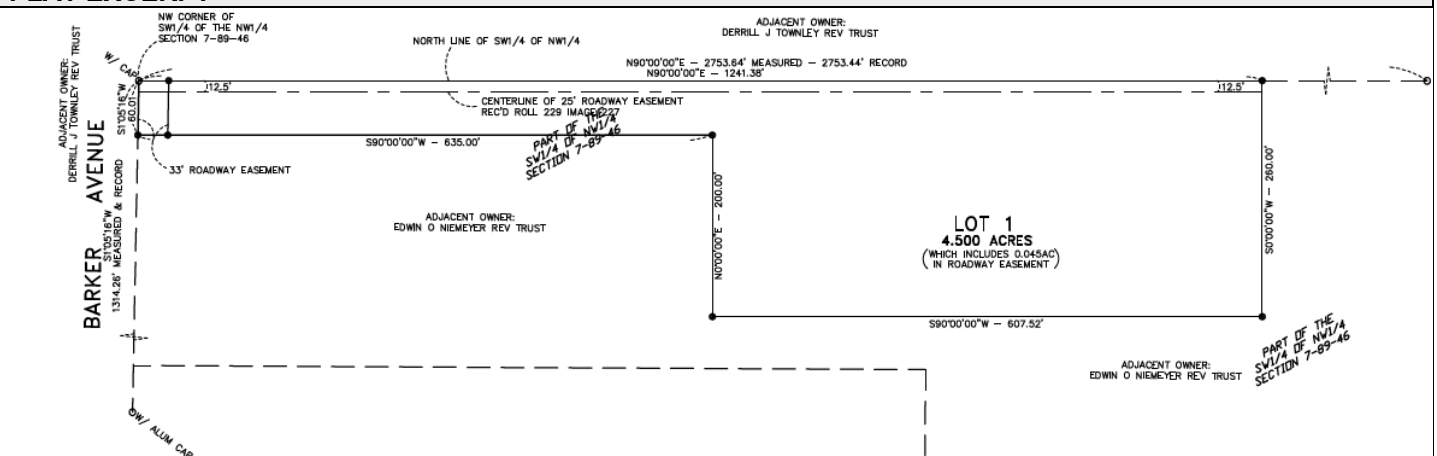
AERIAL MAP



Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIoux CITY, IA 51104
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				

(Note: Not to be used on legal documents)

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 Niemeyer Addition to the Board of Supervisors.

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST

Name of Owner

Mailing Address: 4250 FREMAR DRIVE SIoux CITY IOWA 51104-1413
Street City or Town State and Zip + 4

Property Address: 1130 BARKER AVENUE SIoux CITY IOWA 51108-8008
Street City or Town State and Zip + 4

Ph/Cell #: (712) 259-7345 E-mail Address: MISTI.NIEMEYER@GMAIL.COM

To subdivide land located in the SW1/4 NW 1/4 Quarter of Section Seven (7)

Civil Township Eighty-nine (89) North GIS Parcel # Part 8946 0710 0006

Name of Subdivision: NIEMEYER ADDITION

Subdivision Area in Acres 4.500 Number of Lots One (1)

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: DOUGLAS J. MORDHORST, MLS & ASSOCIATES Ph/Cell: (712) 258-6844

Attorney: ALEX S. BERENSTEIN, CRARY HUFF Ph/Cell: (712) 224-7573

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

Owner's Signature: Marilyn Niemeyer
Zoning Director: [Signature]

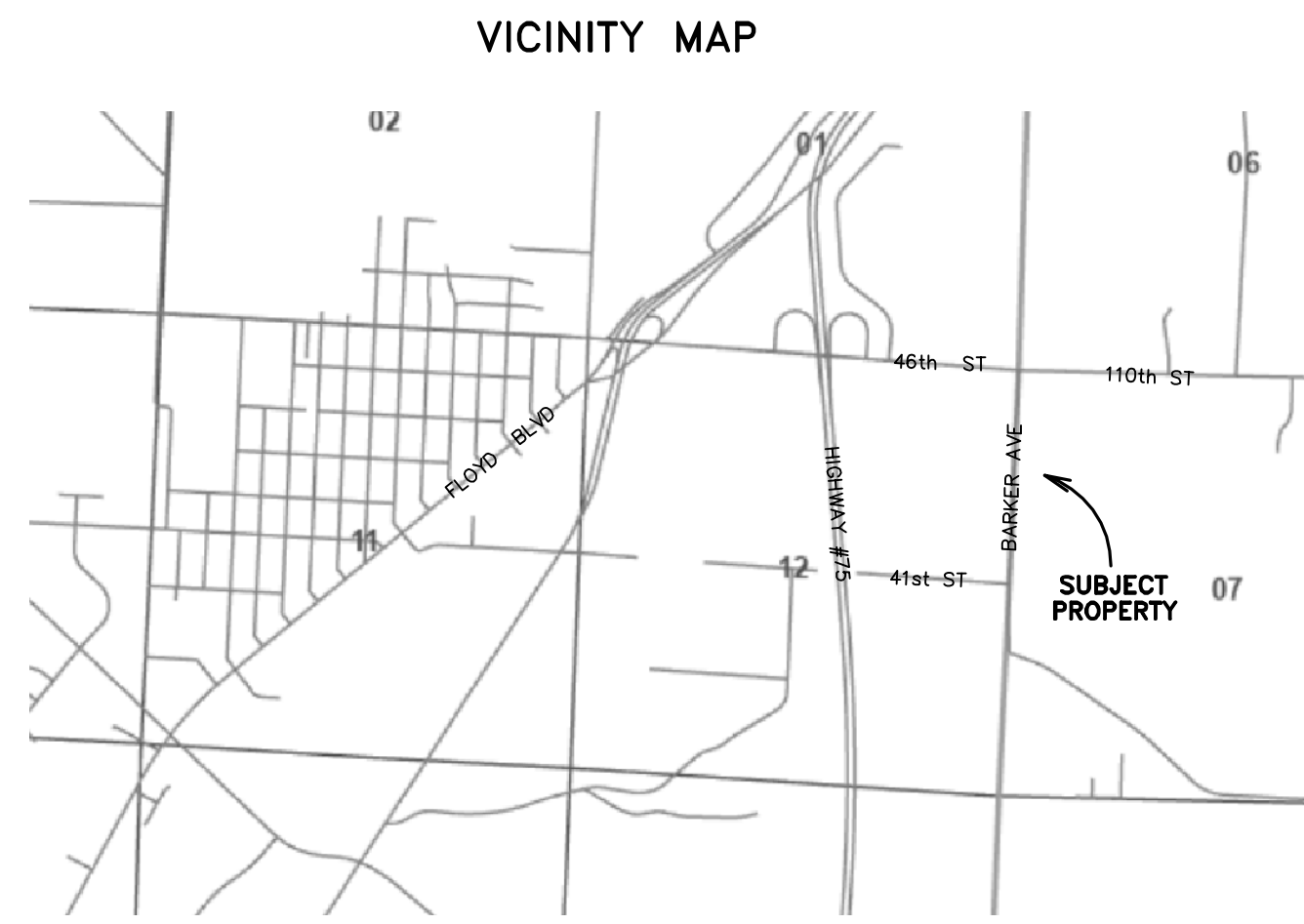
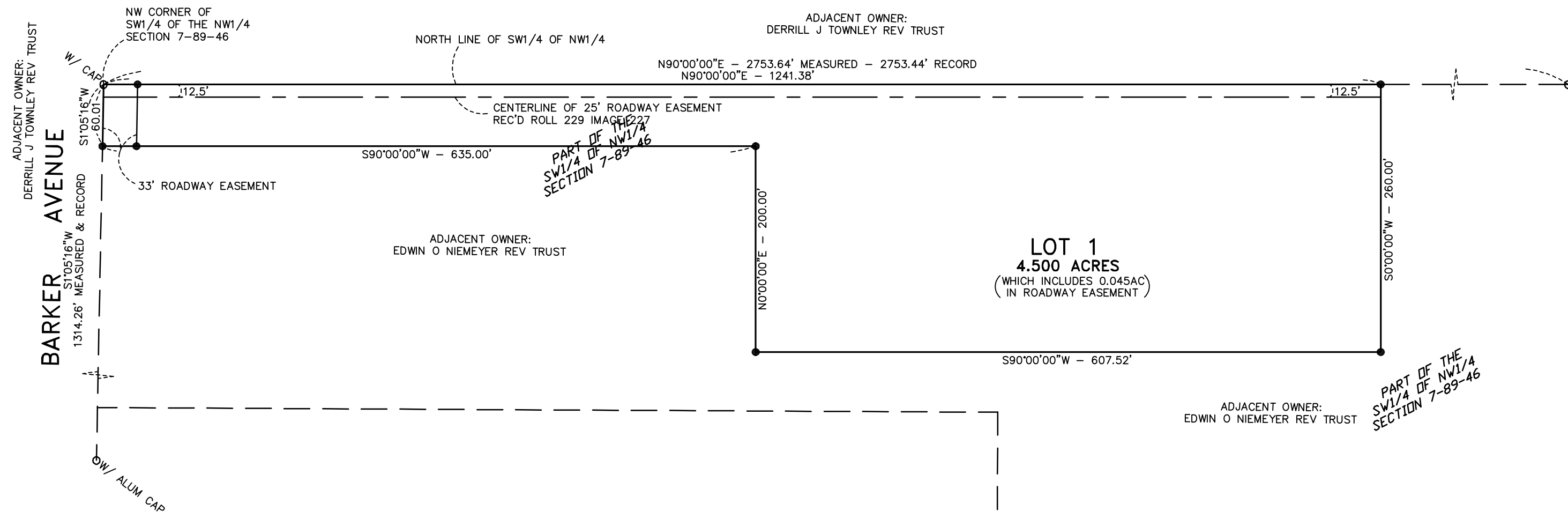
For Office Use Only:

Zoning District AP Flood District X Date 3/30/23 No. 6847

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$ 300 OK#134117
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.

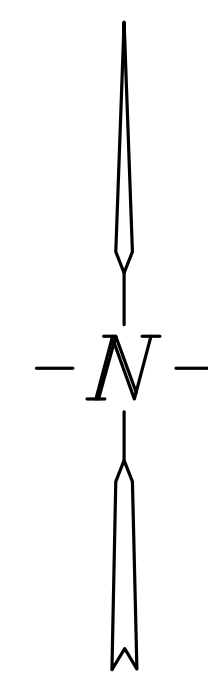
FINAL PLAT OF
NIEMEYER ADDITION
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



LEGAL DESCRIPTION

All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00\"/>



OWNERS & SUBDIVIDERS:
 EDWIN O NIEMEYER REVOCABLE TRUST
 4125 FREMAR DRIVE
 SIOUX CITY, IA 51104

LAND SURVEYOR:
 DOUGLAS J. MORDHORST
 MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SIOUX CITY, IOWA

SCALE: 1" = 100'

SHEET 1 OF 2

NOTES

- ZONING DISTRICT:
 AP: AGRICULTURAL PRESERVATION
- BULK REGULATIONS:
 MINIMUM LOT WIDTH: 200'
 MINIMUM LOT SIZE: 2 ACRES
 MINIMUM FRONT YARD: 100'
 SIDE YARDS: 10', 20' OR 50'
 MINIMUM REAR YARD: 50'
 DEPENDING ON USE**
- MAXIMUM HEIGHT: 45'
 MAXIMUM STORIES: NO LIMIT
- ** OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS
- LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ELECTRICAL: WOODBURY COUNTY REC
 1495 HUMBOLT AVE.
 MOVILLE, IOWA 51039
- TELEPHONE: LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE
- TOTAL AREA IN ADDITION: 4.500 ACRES

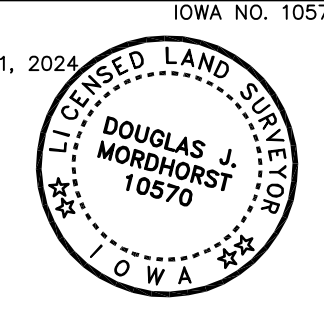
CERTIFICATION

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT 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 LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST
 LICENSE NUMBER 10570
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
 2 SHEETS COVERED BY THIS SEAL
 PLOT DATE: MARCH 29, 2023



LEGEND

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W
 ALIQUOT PART: SW1/4 OF NW1/4
 CITY:
 SUBDIVISION: NIEMEYER ADDITION
 BLOCK:
 LOT: 1
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY
MLS & ASSOCIATES, PLC
 703 DOUGLAS STREET
 SIOUX CITY, IOWA 51101
 (712) 258-6844
 MLSSURVEYING@GMAIL.COM

FINAL PLAT OF
NIEMEYER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

SHEET 2 OF 2
PLOT DATE: MARCH 29, 2023

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON
ROLL _____ AND PAGE _____ OF THE WOODBURY COUNTY RECORDER'S OFFICE

DEDICATION

THE EDWIN O. NIEMEYER REVOCABLE TRUST IS THE 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 PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AS IS PARTICULARLY SHOWN AS SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF DOUGLAS MORDHORST, PLS, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____ IOWA THIS _____ DAY OF _____ 20_____

MARILYN NIEMEYER, TRUSTEE OF THE EDWIN O NIEMEYER REVOCABLE TRUST

STATE OF IOWA }SS
WOODBURY COUNTY }

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE OF IOWA, PERSONALLY APPEARED MARILYN NIEMEYER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DID SAY THAT THE PERSON IS THE TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST, THE TRUSTEE ACKNOWLEDGED EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE TRUST BY IT AND BY THE TRUSTEE VOLUNTARILY EXECUTED

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

TITLE OPINION

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)(c) to property which includes in its entirety, property described in the legal description on the plat of: Niemeier Addition a Minor Subdivision in 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 Marilyn Niemeier, as Trustee of the Edwin O. Niemeier Revocable Trust, subject to the following, liens, limitations and exceptions:

1. A Right of Way Agreement in favor of Socony-Vacuum Oil Company, Inc., dated May 6, 1941, filed August 6, 1941, in Book 154, Page 195, and assigned to Magnolia Pipe Line Company, dated November 30, 1959, filed January 25, 1960, in Book 937, Page 195.
2. A Right of Way Agreement in favor of Iowa Public Service Company, dated February 27, 1959, filed April 21, 1959, in Book 909, Page 434
3. A Right of Way Easement in favor of Woodbury County Rural Electric Cooperative Association, dated August 23, 1976, filed August 30, 1976, in Roll 53, Image 1694.
4. A Right of Way and Easement Agreement, dated March 20, 1990, filed April 20, 1990, in Roll 229, Image 227, as shown on the plat.
5. 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

ALEX S. BERENSTEIN
ATTORNEY AT LAW

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE _____ DAY OF _____, 20_____, RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED _____
ANDREW GLISAR, CHAIRPERSON

DATED _____
JILL WANDERSCHIED
NEIGHBORHOOD SERVICES MANAGER

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT, NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED _____
ROBERT E. SCOTT, MAYOR

APPROVED _____
ATTEST: LISA McCARDLE, CITY CLERK

STATE OF IOWA }SS
WOODBURY COUNTY }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE _____ DAY OF _____, 20_____, AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE, AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED _____

ROBERT E. SCOTT, MAYOR

LISA McCARDLE, CITY CLERK

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

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

DATED _____

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

COUNTY ENGINEERS CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT AND HAVE MATHEMATICALLY COMPUTED THE ERROR OF CLOSURE OF THE PLAT PERIMETER AND OF THE LOTS CONTAINED THEREIN, AND FIND THAT SAID PLAT CONFORMS WITH THE CLOSURE REQUIREMENTS OF THE WOODBURY COUNTY SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED _____

MARK NAHRA, P.E.
WOODBURY COUNTY ENGINEER

BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NUMBER: _____
RESOLUTION ACCEPTING AND APPROVING NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNER AND PROPRIETOR DID ON

THE _____ DAY OF _____, 20_____, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO 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 NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRPERSON AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 20_____.

MATTHEW UNG
CHAIRPERSON OF BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST: _____
PATRICK F GILL
SECRETARY

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING & ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON

THE _____ DAY OF _____, 20_____, RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION

DATED _____

CHRISTINE ZELLMAR ZANT, CHAIR
WOODBURY COUNTY ZONING COMMISSION

DANIEL J PRIESTLEY
PLANNING & ZONING COORDINATOR
WOODBURY COUNTY ZONING COMMISSION

TREASURERS CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, THE UNDERSIGNED, 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 _____

TINA M. BERTRAND, TREASURER
WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, _____, 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

AUDITOR & RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA }SS DOCKET NO: _____ FILED FOR
WOODBURY COUNTY }

RECORD, THIS _____ DAY OF _____, 20_____,

AT _____ O'CLOCK _____ M. RECORDED IN PLAT ENVELOPE _____

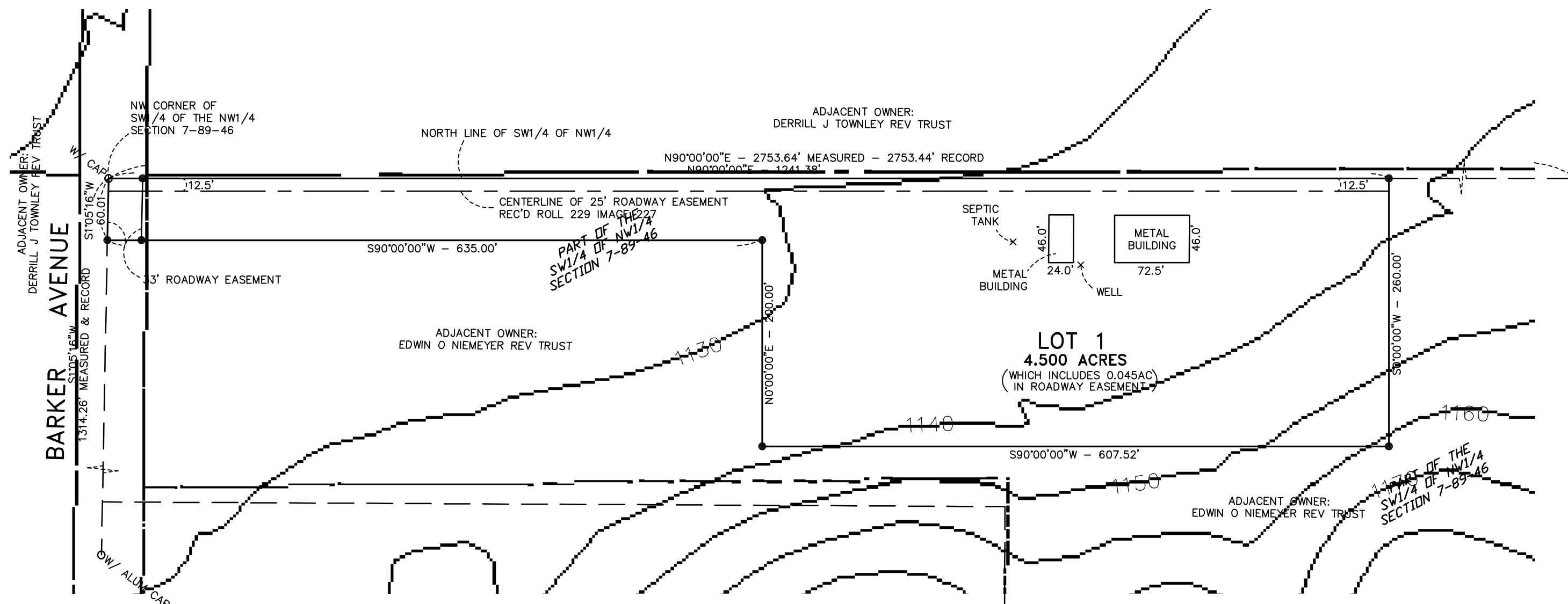
INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED _____

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

PREPARED BY
MLS & ASSOCIATES, PLC
703 DOUGLAS STREET
SIOUX CITY, IOWA 51101
(712) 258-6844
MLSSURVEYING@GMAIL.COM

TOPOGRAPHIC MAP OF
NIEMEYER ADDITION
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



VICINITY MAP

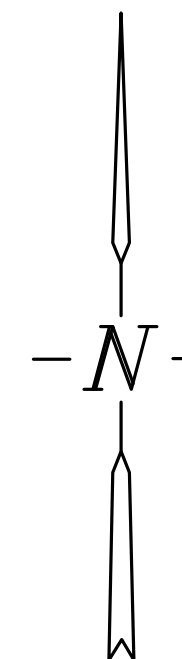


LEGAL DESCRIPTION

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:
 Beginning at the Northwest corner of said Southwest 1/4 of the Northwest 1/4 of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest 1/4 of the Northwest 1/4 for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.
 Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

OWNERS & SUBDIVIDERS:
 EDWIN O NIEMEYER REVOCABLE TRUST
 4125 FREMAR DRIVE
 SIOUX CITY, IA 51104

LAND SURVEYOR:
 DOUGLAS J. MORDHORST
 MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SIOUX CITY, IOWA



SCALE: 1" = 100'
 0 100 200
 SHEET 1 OF 2

NOTES

ZONING DISTRICT:
 AP: AGRICULTURAL PRESERVATION

BULK REGULATIONS:
 MINIMUM LOT WIDTH: 200'
 MINIMUM LOT SIZE: 2 ACRES
 MINIMUM FRONT YARD: 100'
 SIDE YARDS: 10', 20' OR 50'
 DEPENDENT ON USE**
 MINIMUM REAR YARD: 50'
 DEPENDENT ON USE**
 MAXIMUM HEIGHT: 45'
 MAXIMUM STORIES: NO LIMIT

** OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS

LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

ELECTRICAL: WOODBURY COUNTY REC
 1495 HUMBOLT AVE.
 MOVILLE, IOWA 51039

TELEPHONE: LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE

TOTAL AREA IN ADDITION: 4.500 ACRES

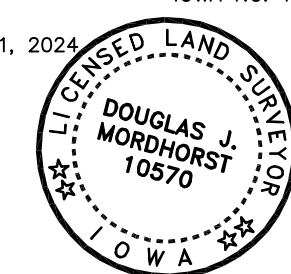
CERTIFICATION

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT 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 LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST IOWA NO. 10570
 LICENSE NUMBER 10570
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
 2 SHEETS COVERED BY THIS SEAL
 PLOT DATE: FEBRUARY 10, 2023



LEGEND

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W
 ALIQUOT PART: SW1/4 OF NW1/4
 CITY:
 SUBDIVISION: NIEMEYER ADDITION
 BLOCK:
 LOT: 1
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY
MLS & ASSOCIATES, PLC
 703 DOUGLAS STREET
 SIOUX CITY, IOWA 51101
 (712) 258-6844
 MLSSURVEYING@GMAIL.COM

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
	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
Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311.

RESOLUTION NO. 2023 - 0311
with attachments

RESOLUTION ACCEPTING AND APPROVING THE "FINAL PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA", A ONE LOT AGRICULTURAL SUBDIVISION LOCATED AT 1130 BARKER AVENUE, WITHIN THE CITY OF SIOUX CITY'S TWO-MILE EXTRATERRITORIAL SUBDIVISION JURISDICTION.

WHEREAS, the City has received a request from The Edwin O. Niemeyer Trust for approval of the "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa"; and

WHEREAS, the Planning and Zoning Commission on March 14, 2023, recommended approval of the Final Plat.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY IOWA that said "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa", as hereto attached and forming part of this Resolution, be, and the same is hereby accepted and approved, and the Mayor and the City Clerk be and they are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

PASSED AND APPROVED: March 27, 2023

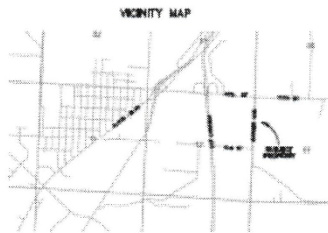
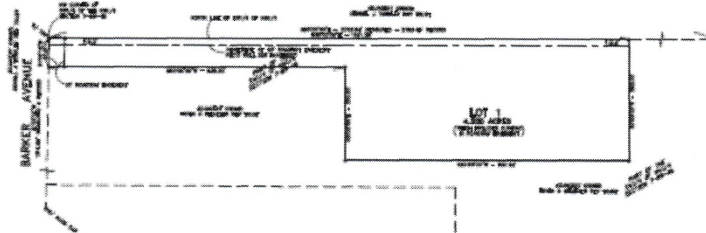


Robert E. Scott, Mayor

ATTEST: 

Lisa L. McCardle, City Clerk

**FINAL PLAN OF
NIEMEYER ADDITION**
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



LEGAL DESCRIPTION
 BEING THE FINAL PLAN OF THE NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS SHOWN ON THE ATTACHED MAP, THE LEGAL DESCRIPTION OF LOT 1, 1.50 ACRES, IS AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF THE NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS SHOWN ON THE ATTACHED MAP, AND PROCEEDING IN THE FOLLOWING ORDER:
 1. SOUTH 89° 58' 00\"

SCALE: 1" = 100'
 SHEET 1 OF 2

LEGEND
 - BOUNDARY LINE
 - PROPERTY LINE

NOTES
 1. ALL LOTS ARE TO BE CONVEYED TO THE BUYER BY DEED.
 2. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
 3. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.
 4. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
 5. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLE INSURANCE.
 6. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING FEES.
 7. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING TAXES.
 8. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING COSTS.
 9. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING CHARGES.
 10. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING EXPENSES.

CERTIFICATION
 I, THE UNDERSIGNED, A PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THE INFORMATION THEREON, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF IOWA.
 DATE OF THIS CERTIFICATE: _____

 SURVEYOR

PREPARED BY:
 M/S & ASSOCIATES, P.L.C.
 1000 W. 10TH ST.
 DES MOINES, IOWA 50319
 (515) 281-1111
 WWW.MSANDASSOCIATES.COM

APPROVED BY:
M/S & ASSOCIATES, P.L.C.
 THE UNDERSIGNED SURVEYOR
 1000 W. 10TH ST.
 DES MOINES, IOWA 50319
 (515) 281-1111
 WWW.MSANDASSOCIATES.COM



EXTRATERRITORIAL DEVELOPMENT AGREEMENT

THIS AGREEMENT made on _____ by and between The Edwin O. Niemeyer Revocable Trust of 4250 Fremar Drive, Sioux City, Iowa, (hereinafter "Developer") and the City of Sioux City, Iowa, 405 6th Street, Sioux City, Iowa (hereinafter "City").

RECITALS

WHEREAS, Developer has proposed to subdivide and develop the following described real property (hereinafter "Property");
All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest ¼ of the Northwest ¼ for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest ¼ of the Northwest ¼; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.

Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

and

WHEREAS, the Property lies within the jurisdiction of the City pursuant to Section 354.8 et. seq. and Section 414.23, The Code; and

WHEREAS, the Parties wish to set forth their various obligations and conditions in conjunction with such development and subdivision.

AGREEMENT

NOW, THEREFORE, IT IS AGREED between the City and Developer as follows:

1. Annexation Process: Developer shall, within ninety (90) days of receiving written notice from the City that the Property qualifies for annexation to the City under Chapter 368, The Code, commence and pursue the statutory process for the voluntary annexation of the Property to the City. Developer shall coordinate annexation efforts with the City and shall pursue such annexation in a diligent manner.

The City agrees that it shall provide said written notice to Developer only at such time as, in the City's sole and unreviewable discretion, it has the capacity to extend water and sanitary sewer service to the Property.

2. City Services and Utilities:
 - A. At such time that the City shall determine that it is appropriate and feasible, Developer shall voluntarily petition City, pursuant to Section 384.41, The Code, for the construction of the following public improvements by City to be paid for by special assessments levied upon the Property:
 - (1) Water, including water mains and connections;
 - (2) Sanitary sewer pipes and mains within or abutting the subdivision only;

(3) Storm sewer drainage systems;

- (4) Paving of streets within the subdivision or which abut the subdivision and provide access to the lot or lots therein.

Said improvements shall be connected to any existing utility systems in the subdivision.

B. The City agrees to a moratorium for the connection to the following systems:

- (1) Water system - ___ years from the date of _____
(2) Sanitary sewer system - ___ years from the date of _____

3. Binding Effect: The Parties agree that this Agreement shall be filed for record in the County in which the Property is located and shall be binding on Developer, its heirs, successors and assigns in title to the Property or any part thereof.

4. Notice: Any notice required or made herein shall be made in writing by certified mail to each party at the following addresses:

A. City of Sioux City, Iowa
ATTN: City Manager
405 6th Street
Sioux City, Iowa 51101

B. Edwin O. Niemeyer Rev. Trust
ATTN: Alex S. Berenstein
329 Pierce St., #200
Sioux City, IA 51101

C. Each Party may designate in writing to the other Party all changes in name of the person(s) and/or address(es) to whom or which any notice is to be delivered.

IN WITNESS WHEREOF, the Parties have executed this Agreement the date and year first above written.

CITY OF SIOUX CITY, IOWA
"City"


"Developer"

By: _____

By: Marilyn Niemeyer

Title: _____

Title: Trustee of the Edwin O. Niemeyer
Revocable Trust

Attest: _____

Title: _____

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this _____ day of _____, 2023, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared _____, _____ of the City of Sioux City, Iowa, and _____ of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)

NOTARY PUBLIC in and for said COUNTY and STATE

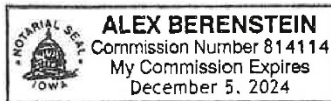
STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this 29 day of MARCH, 2023, before me, the undersigned a Notary Public in and for said State, personally appeared Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

A. Berenstein

NOTARY PUBLIC in and for said COUNTY and STATE



SIOUX CITY ACTION

SHEET 2 OF 2
PLOT DATE: MARCH 29, 2023

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE 14th DAY OF MARCH, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED 4-14-2023 [Signature]
ANDREW GLISAR, CHAIRPERSON

DATED March 27 2023 [Signature]
JILL WANDERSCHIED
NEIGHBORHOOD SERVICES MANAGER
MARTIN B DOUGHERTY
Economic & Community Development Director

CITY COUNCIL RESOLUTION NO. 2023-0311

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED MARCH 27 2023 [Signature]
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 27 2023 [Signature]
ATTEST: LISA MCGARDLE, CITY CLERK
Heidi Farmers, Deputy City Clerk

STATE OF IOWA }
} SS

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON

ROLL 23-02197 AND PAGE _____ OF THE WOODBURY COUNTY RECORDER'S OFFICE

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF SONG CITY, IOWA, HAS RECOMMENDED THE SUBDIVISION OF SAID CITY, IOWA, INTO LOTS, BLOCKS, AND ALLEYS, AND THAT SAID CITY COUNCIL HAS HEREBY ADOPTED AND APPROVED SAID RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED, AND APPROVED

PASSED MARCH 27 2013

Robert E. Scott
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 29 2013

Heidi Thompson
ATTEST: HEIDI THOMPSON, CITY CLERK
Heidi Thompson, Song City Clerk

STATE OF IOWA }
WOODBURY COUNTY }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SONG CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAN OF REWEAVING, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE 27th DAY OF MARCH 2013 AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED MARCH 29 2013

Robert E. Scott
ROBERT E. SCOTT, MAYOR

Heidi Thompson
ATTEST: HEIDI THOMPSON, CITY CLERK
Heidi Thompson, Song City Clerk

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

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

DATED _____

LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING

Published in the Sioux City Journal Legals section on **April 8, 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

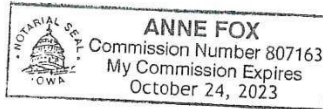
ORDER NUMBER 57903

Subscribed and sworn before me in Sioux City, in said County,
this 10th day of April, 2023.

Shelby Spimsley

Anne Fox Notary Public

In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 04/08/2023

TOTAL AD COST: 22.25
FILED ON: 4/10/2023

**NOTICE OF A PUBLIC HEARING REGARDING
A MINOR SUBDIVISION PROPOSAL
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 April 24, 2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item 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 this matter should appear at the aforesaid hearing 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.

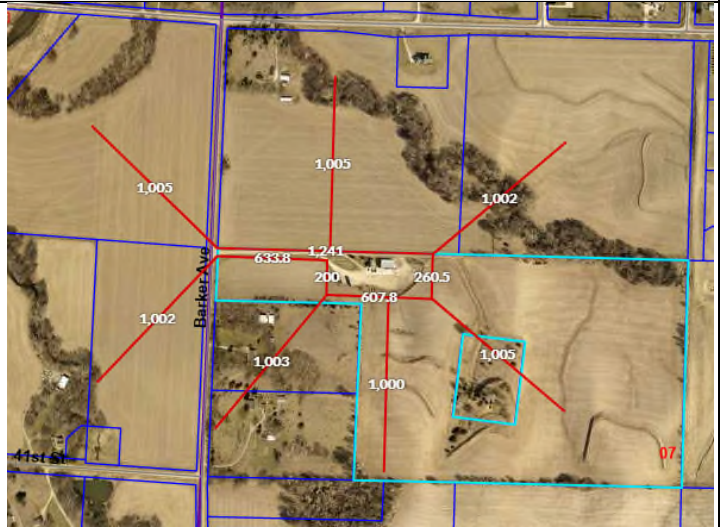
Item One (1)
PROPOSED MINOR SUBDIVISION: To be known as Niemeier Addition, a one-lot minor subdivision in a 4.500-acre portion of Section 7, T89N R46W (Concord Township) in the SW ¼ of the NW ¼ on Parcel #694607100006. The parent parcel abuts the corporate boundary of Sioux City along Barker Avenue. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Mariyn Niemeier, as Trustee of the Edwin O. Niemeier Revocable Trust, 1130 Barker Avenue, Sioux City, IA 51103.

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The 8 property owners within 1,000 FT; and listed within the certified abstractor’s affidavit; were notified by a **April 14, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **April 24, 2023**.

As of **April 19, 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:
Marilyn Niemeyer, Trustee of the Edwin O. Niemeyer Revocable Trust	4250 Fremar Dr.	Sioux City	IA	51104	No comments.
Justine B. Barkley	1140 Barker Ave.	Sioux City	IA	51108	See letter below
Mark W. Zenk	1152 Barker Ave.	Sioux City	IA	51108	See letter below.
Hunter A. Rockman	1176 Barker Ave.	Sioux City	IA	51108	See letter below.
Derrill J. Townley, Trustee of the Derrill J. Townley Revocable Trust	1414 110th St.	Sioux City	IA	51108	
Edward Townley and Marie Townley	1418 110th St.	Sioux City	IA	51108	See letter below.
City of Sioux City	405 6th St.	Sioux City	IA	51102-0447	No comments.
Michael J. Barkley and Mary E. Barkley	5701 41st St.	Sioux City	IA	51108	See letter below.

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

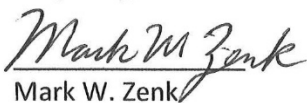
Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

I am familiar with the property and have been advised of Mosher's plans for it. Mosher Landscaping will be an excellent addition to the neighborhood area and will fit in well.

Thank you for registering my support for the Mosher landscaping project.

Very truly,



Mark W. Zenk

1152 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

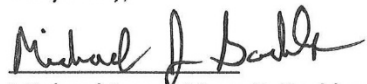
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Very truly,



Michael J. and Mary E. Barkley

5701 41st St.
Sioux City, IA. 51108

March 30, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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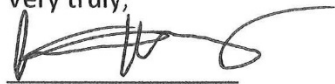
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Very truly,



Justine B. Barkley

1140 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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Very truly,



Hunter A. Rockman

1176 Barker Ave.
Sioux City, IA. 51108

April 2
March ____, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

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Very truly,



Edward and Marie Townley

1418 110th St.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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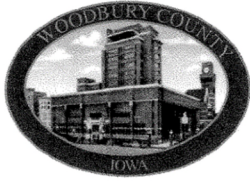
Thank you for registering my support for the Mosher landscaping project.

Very truly,


Derril / Don Townley

1414 110th St.
Sioux City, IA. 51108

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
CITY OF SIOUX CITY	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 reviewed the following minor subdivision application for MEC electric: We have no conflicts. – Casey Meinen, 4/3/23
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
NUSTAR PIPELINE:	I confirmed this has no impact to our pipeline. Thanks – Matt McGee, 3/31/23
SIOUXLAND 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 REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	I see no issues with this subdivision. Thank you – Diane Swoboda Peterson, 3/31/23
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed sub-division. – Neil Stockfleth, 3/31/23
WOODBURY COUNTY TREASURER:	Taxes are current at this time. Please note that subdivision would need to be completed prior to certification of taxes which generally takes place at the beginning of August each year. Additionally, I did find a retracement plat of survey filed 1/31/23 that records the roadway easement that we discussed. – Tina Bertrand, 3/31/23



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: April 7, 2023

Subject: Niemeyer 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 31, 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. We noted that the description and the plat are inconsistent in the description of the east lot line. The plat illustration shows the line bearing to be S 0 degrees W, 260.00 feet, while the legal description shows the line as S 0 degrees E. While the bearing is the same regardless, the description should be consistent with the description.
- I reviewed the individual lot for access. The existing driveway has adequate sight distance and can be used for access for the lot. Access for the remaining land will need to be a new driveway permit application unless an easement agreement is to be included. The documentation was silent on the planned access for the remaining parcel outside lot 1.
- 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

3/31/23, 11:02 AM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 894607100006



Summary

Parcel ID 894607100006
Alternate ID 883590
Property 1130 BARKER AVE
Address SIOUX CITY IA 51106
Sec/Twp/Rng 7-89-46
Brief EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC
Tax Description NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S
 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46
 (Note: Not to be used on legal documents)
[2020-13775 \(10/27/2020\)](#)
Deed Book/Page
Gross Acres 60.53
Net Acres 60.53
Adjusted CSR Pts 3075.32
Zoning AP - AGRICULTURAL PRESERVATION
District 0057 CONCORD/SIOUX CITY
School District SIOUX CITY COMM
Neighborhood N/A



Owner

Deed Holder
[Niemeyer Edwin O Revocable Trust](#)
[4125 Fremar Dr](#)
 Sioux City IA 51104
Contract Holder
Mailing Address
 Niemeyer Marilyn
 4250 Fremar Dr
 Sioux City IA 51104

Land

Lot Area 60.53 Acres ; 2,636,687 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 1 Story Frame
Architectural Style N/A
Year Built 1994
Condition Normal
Roof Asph / Hip
Flooring
Foundation TILE
Exterior Material METAL SIDING
Interior Material Drwl
Brick or Stone Veneer
Total Gross Living Area 1,104 SF
Main Area Square Feet 1104
Attic Type None;
Number of Rooms 4 above; 0 below
Number of Bedrooms 2 above; 0 below
Basement Area Type Full
Basement Area 1,104
Basement Finished Area
Plumbing 1 Standard Bath - 3 Fi;
Appliances
Central Air Yes
Heat Yes
Fireplaces
Porches
Decks
Additions
Garages Basement Stall - 2 stalls;

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	MACHINE SHED	46	72	1994	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
10/26/2020	NIEMEYER EDWIN O & MARILYN	NIEMEYER EDWIN O REVOCABLE TRUST	2020-13775	Quit Claim Deed	Deed		\$0.00

Valuation

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$100,250	\$77,880	\$77,880	\$73,590	\$73,590
+ Assessed Building Value	\$6,890	\$5,750	\$5,750	\$5,250	\$5,250
+ Assessed Dwelling Value	\$188,920	\$143,470	\$143,470	\$120,810	\$120,810
= Gross Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650

Sioux City Special Assessments and Fees

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

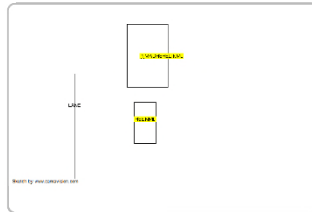
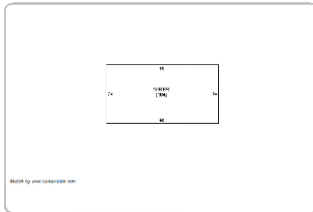
Woodbury County Tax Credit Applications

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

Photos



Sketches



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

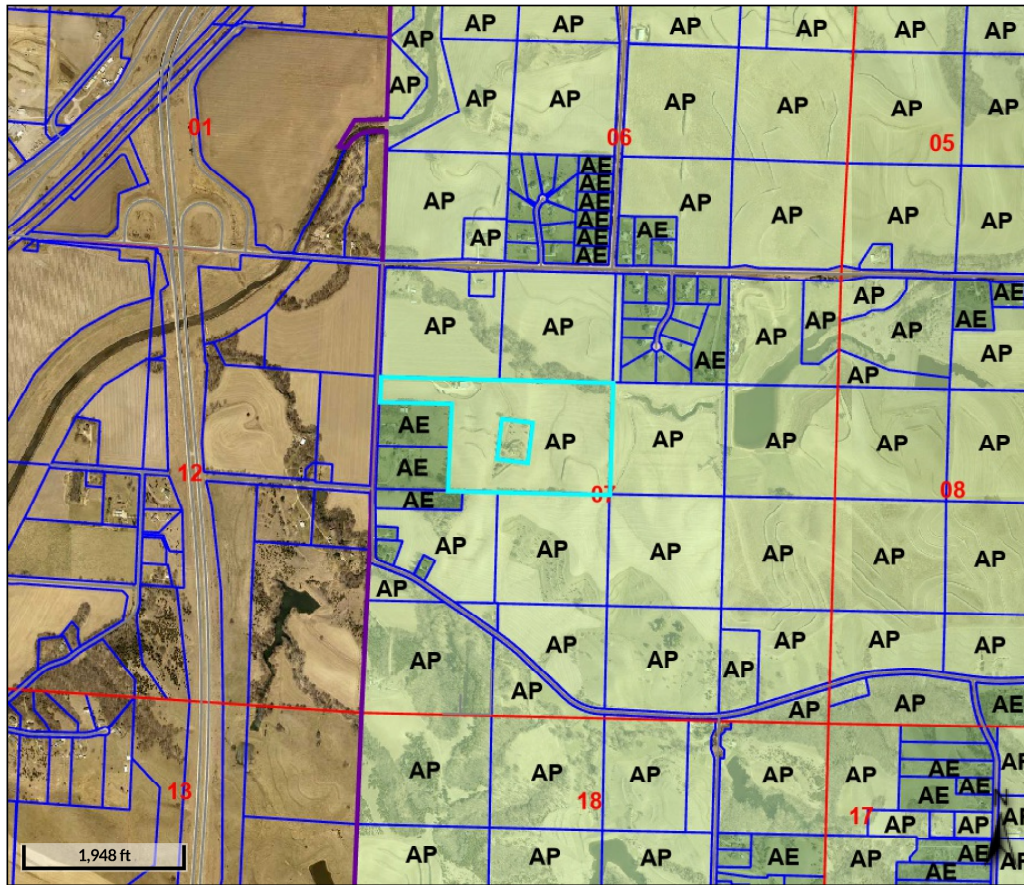


[User Privacy Policy](#)
[GDPR Privacy Notice](#)

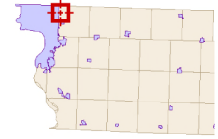
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ZONING MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

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

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/31/2023
 Last Data Uploaded: 3/30/2023 9:08:57 PM

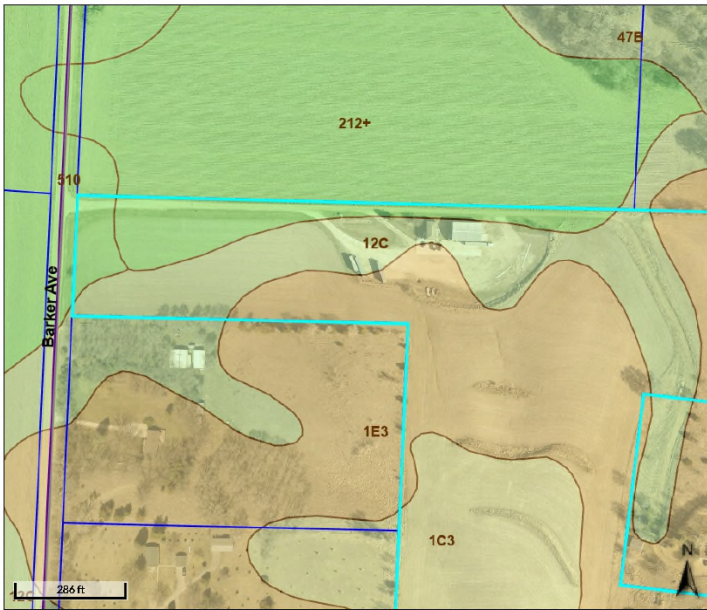
Developed by Schneider GEOSPATIAL

ELEVATION

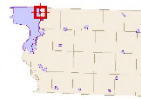


SOIL REPORT

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

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Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acres	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				

(Note: Not to be used on legal documents)

Summary

Parcel ID 894607100006
 Gross Acres 60.53
 ROW Acres 0.00
 Gross Taxable Acres 60.53
 Exempt Acres 0.00
 Net Taxable Acres 60.53 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 54.75 (3313.83 CSR2 Points / 60.53 Gross Taxable Acres)

Agland Active Config 2017 CSR2

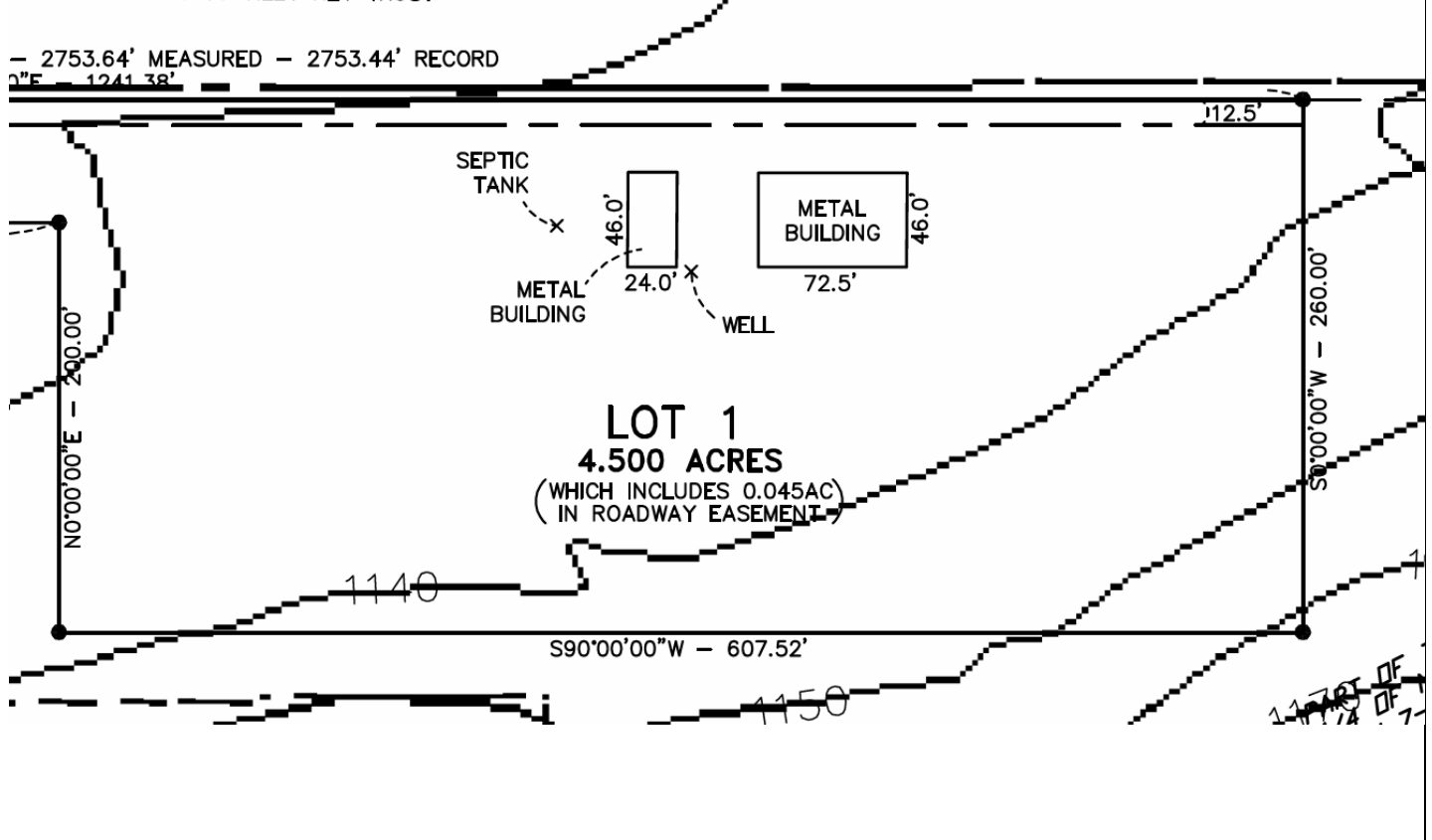
Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	50.56	53.97	2,728.72	2,728.72
Non-Crop	9.97	58.69	585.11	346.60
Total	60.53		3,313.83	3,075.32

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.45	43.20	43.20
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	9.82	913.26	913.26
100% Value	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.02	91.80	91.80
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	5.36	477.04	477.04
100% Value	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	0.56	47.60	47.60
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	2.18	130.80	130.80
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	7.70	446.60	446.60
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	11.14	356.48	356.48
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	12.33	221.94	221.94
Non-Crop	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.10	9.60	4.79
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.01	0.93	0.47
Non-Crop	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.18	106.20	54.68
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	2.19	194.91	100.92
Non-Crop	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	1.75	148.75	78.82
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.88	51.04	33.46
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.30	9.60	9.38
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	3.56	64.08	64.08
Total				60.53	3,313.83	3,075.32

WELL & SEPTIC LOCATIONS



ROLL 229 PAGE 227

RIGHT-OF-WAY AND EASEMENT AGREEMENT

Whereas, Franklyn F. Conley and Lorraine F. Conley, husband and wife, (Conley) are owners of the real estate described as:

The S 1/2 of the NW 1/4 of Section 7, Township 89, North of Range 46, except the South 500 feet of the West 875 feet, in the County of Woodbury and State of Iowa;

and,

Whereas, Frances P. Geuss and Linda L. Geuss, husband and wife, (Geuss) are owners of the real estate described on Exhibit A, attached hereto, and by reference incorporated herein (Parcel B), and,

Whereas, Conley, their heirs and assigns, and Geuss, their heirs and assigns, desire to create an easement over Parcel A for the benefit of Parcel B, it is therefore agreed by and between the undersigned that:

- 1. The rights created herein shall be perpetual and run with the land for the benefit of Parcel B.
2. The easement shown on Exhibit A shall be used for a driveway for ingress and egress to Parcel B for the sole and exclusive benefit of Parcel B.
3. The owners of Parcel B shall maintain said easement at their sole expense and the owners of Parcel A shall have no duty or obligation to maintain said easement.
4. No fence shall be erected on either side of said easement and no gate shall be erected where said easement enters the west side of Parcel A.

March 20, 1990

March 20, 1990

Francis P. Geuss
Francis P. Geuss

Franklyn F. Conley
Franklyn F. Conley

Linda L. Geuss
Linda L. Geuss

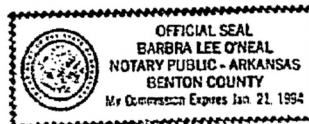
Lorraine F. Conley
Lorraine F. Conley

STATE OF ARKANSAS)
)SS
COUNTY OF BENTON)

On this 20 day of March, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Franklyn F. Conley and Lorraine F. Conley, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

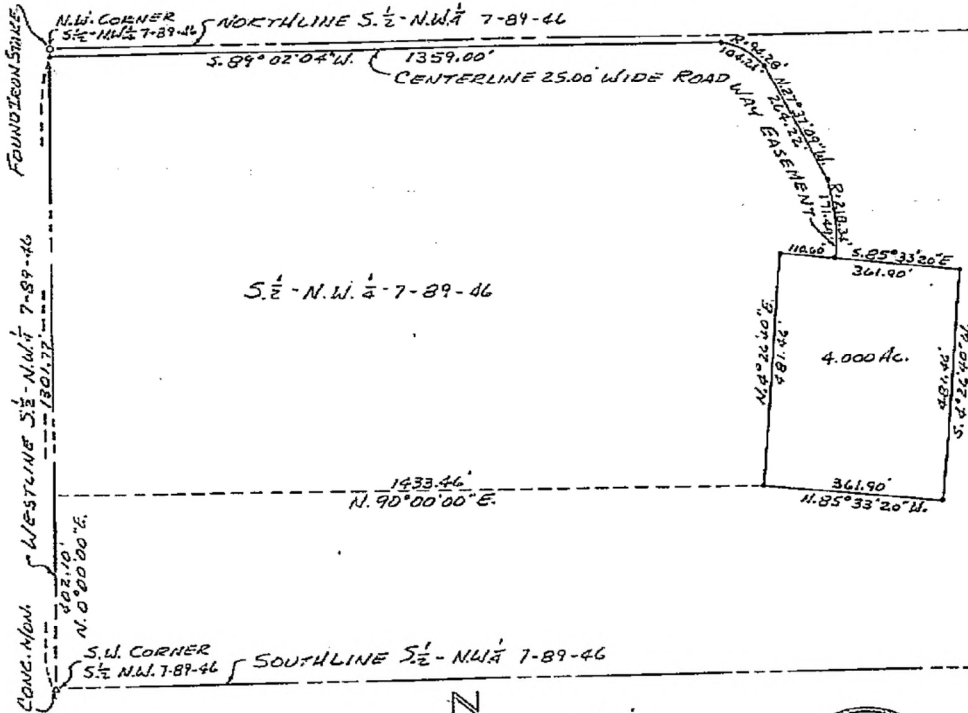
12427
Doc. No. Fee \$ 15.00
WOODBURY COUNTY, IOWA-Filed for Record
By MOSE YANNEY, RECORDER
Deputy

Barbra Lee O'Neal
Notary Public in and for
the State of Arkansas



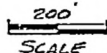
SURVEY PLAT SHOWING PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7 T89N, R46W. OF THE 5TH P.M. WOODBURY COUNTY, IOWA.

REQUESTED BY: FRANKLYN CONLEY, HIWASSE A&K.



I hereby certify that this plat map survey or report was made by me or my direct personal supervision and that I am a duly sworn land surveyor under the laws of the State of Iowa.

Leoland V. Fagan
 Leoland V. Fagan, Reg. No. 5542
 JAN 9, 1989
 Date



SCALE
 = IRON STAKE SET

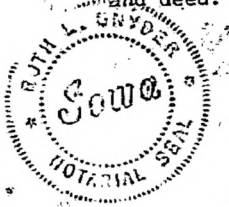


LEGAL DESCRIPTION

PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS; COMMENCING AT THE S.W. CORNER OF SAID S. 1/2 OF THE N.W. 1/4 THENCE N. 0°00'00" E. ALONG THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4 FOR 1433.46 FEET; THENCE N. 90°00'00" E. FOR 1433.46 FEET TO THE POINT OF BEGINNING; THENCE N. 4°26'40" E. FOR 481.46 FEET; THENCE S. 85°33'20" E. FOR 361.90 FEET; THENCE S. 9°26'40" W. FOR 481.46 FEET; THENCE N. 85°33'20" W. FOR 361.90 FEET TO THE POINT OF BEGINNING. CONTAINING 4.000 ACRES. TOGETHER WITH A 25.00 FOOT WIDE ROADWAY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWESTERLY CORNER OF THE BEFORE DESCRIBED PARCEL; THENCE S. 85°33'20" E. ALONG THE NORTHERLY LINE OF SAID BEFORE DESCRIBED PARCEL FOR 110.60 FEET TO THE POINT OF BEGINNING, AND THE CENTERLINE OF SAID 25.00 FOOT WIDE ROADWAY EASEMENT; THENCE NORTHERLY ALONG SAID CENTERLINE AND A 218.34 FOOT RADIUS CURVE CONCAVE WESTERLY FOR 171.99 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 5°07'08" W. AND A CHORD LENGTH OF 167.12 FEET; THENCE N. 27°37'09" W. ALONG SAID CENTERLINE FOR 264.22 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE AND A 94.28 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY FOR 104.24 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 59°17'34" W. AND A CHORD LENGTH OF 99.01 FEET; THENCE S. 89°02'04" W. ALONG SAID CENTERLINE FOR 1359.00 FEET TO A POINT ON THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT BEING N. 0°00'00" E. AND 1301.77 FEET FROM THE S.W. CORNER OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT ALSO BEING THE END OF SAID ROADWAY DESCRIPTION.

STATE OF IOWA)
)SS
COUNTY OF WOODBURY)

On this 14th day of ~~March~~ April, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Francis P. Geuss and Linda L. Geuss, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Ruth L. Snyder
Notary Public in and for
the State of Iowa Ruth L. Snyder
My Commission Expires 8-29-90

ACCESS CLARIFICATION

Daniel Priestley

From: John Daniels <john@danielsosborn.com>
Sent: Monday, April 17, 2023 11:14 AM
To: Daniel Priestley
Cc: Sid Mosher; Alex Berenstein
Subject: Re: Access to Niemeyer Property after Subdivision
Attachments: Mosher.Niemeyer purchase agmt excerpt re easement for future access.pdf

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 WCICC and DO NOT ENTER any data.**

Dan,

Attached is excerpt from the parties' purchase agreement referencing the agreed-upon plan to provide access to the balance of the Niemeyer property via new access easement. While the agreement references granting the easement after closing, I'm thinking that as a practical matter the easement agreement will be prepared, executed and filed contemporaneously with the deed and other closing documents. Closing will follow all zoning and subdivision final approvals.

I believe this should suffice to satisfy the engineer's comments; let me know if there's any further follow up or other comments.

Thank you.

John D.

John D. Daniels, Attorney
Daniels Osborn Law Firm, PLC
600 4th St.-#302
Sioux City, IA 51102
712.253.1807
john@danielsosborn.com

conform to standards adopted by the Department of Natural Resources. Seller agrees to pay for all necessary repairs to the septic system identified by the inspector's report. Seller shall attach the inspection report to the Groundwater Hazard Statement to be filed at closing.


22. CLOSING COSTS.

- a. Seller shall be responsible for the following: the cost of the preliminary abstract continuation; one-half of the closing and escrow fee for the sale portion of the transaction; the transfer tax payable to the Woodbury County Recorder upon the filing of the deed; Seller's attorney fees.
- b. Buyer shall be responsible for the following: the cost of the title opinion; one-half of the closing and escrow fee for the sale portion of the transaction; the cost of any fees associated with obtaining a mortgage loan or similar financing; the cost of any inspections required by Buyer or Buyer's lender; the filing fee payable to the Woodbury County Recorder for the filing of the deed and mortgage.

23. ACCESS EASEMENT. After closing, Buyer agrees to grant an access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate.

Dated as of the Effective Date.

SELLER


Marilyn Niemeyer, as Trustee of the
Edwin O. Niemeyer Revocable Trust

BUYER

MOSHER ASSET MANAGEMENT, LLC


Sid Mosher, Manager



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 – APRIL 19, 2023

LANDSCAPING/NURSERY/ETC. CONDITIONAL USE PERMIT PROPOSAL

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
Owner/Applicant(s): Marilyn Niemeyer, Trustee; Sid Mosher, Mosher Landscaping Application Type: Conditional Use Permit Zoning District: Agricultural Preservation (AP) Total Acres: 4.500 Current Use: Commercial Trucking Proposed Use: Landscaping /Nursery Pre-application Meeting: March 28, 2023 Application Date: March 30, 2023 Legal Notice Date: April 15, 2023 Stakeholders' (500') Letter Date: April 14, 2023 Zoning Commission Review Date: April 24, 2023 Board of Adjustment Public Hearing Date: May 1, 2023	Parcel(s): 894607100006 Township/Range: T89N R46W (Concord Township) Section: 7 Quarter: SW ¼ of the NW ¼ Zoning District: Agricultural Preservation (AP) Floodplain District: Zone X (Not in Floodplain) Address: 1130 Barker Avenue, Sioux City, IA 51108	<input type="checkbox"/> Summary, Recommendation, Aerial & Proposed Area <input type="checkbox"/> Review Criteria <input type="checkbox"/> Applicant Comments <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

SUMMARY

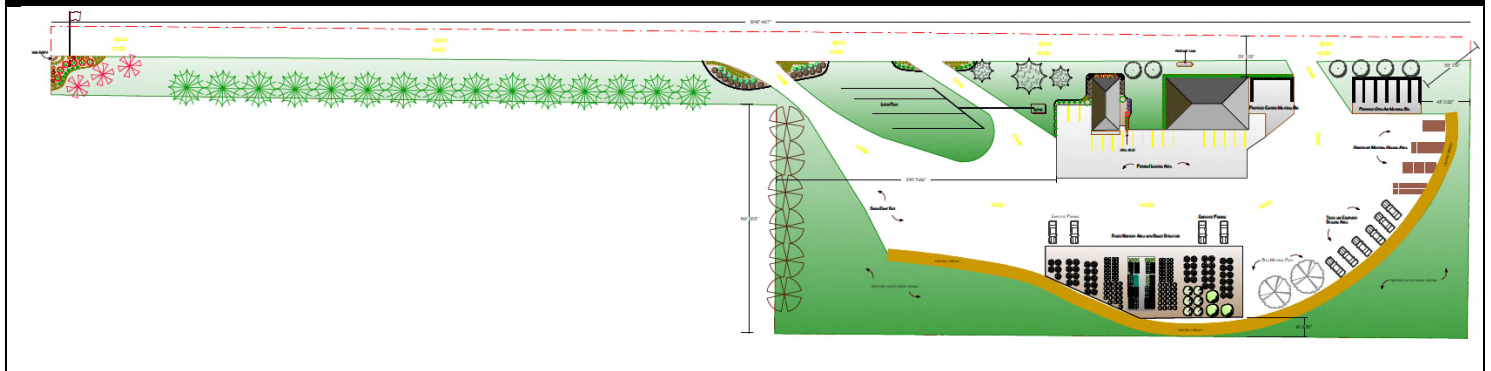
Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher (Applicant) has filed for a conditional use permit application to use the property for landscaping and a nursery on a portion of the property identified as Parcel #894607100006 and referenced above. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the AP Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. This conditional use permit application is being considered concurrently with a one-lot minor subdivision application to establish a 4.5-acre lot. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 15, 2023. The neighbors within 1000 FT have been duly notified via a April 14, 2023 letter about the May 1, 2023 Board of Adjustment Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval.



- Legend**
- Roads
 - ▭ Corp Boundaries
 - ▭ Townships
 - ▭ Parcels

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				
	(Note: Not to be used on legal documents)				

SITE PLAN EXCERPT



STAFF RECOMMENDATION

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

Motion to approve the conditional use request to allow for this property to be used as a landscaping and nursery business with associated uses including tree services, sand and gravel storage, feed and seed sales, fertilizer storage/distribution/application, and other uses related to a landscaping business.

**Mosher Landscaping
1130 Barker Avenue
Woodbury County Zoning
Background and Introduction**

- The property at 1130 Barker Avenue is the land and structures comprising a 4.5 acre one-lot minor subdivision plat now submitted for County approval by the current owner of the property, Edwin Niemeyer Trust.
- The property has 60' frontage on Barker Avenue, which is the City Limit line for City of Sioux City, thus giving rise to required extraterritorial review of the plat by City of Sioux City including possible immediate annexation.
- The City of Sioux City has concluded its extraterritorial review of the plat and has approved it.
- The City has required execution of an annexation agreement; HOWEVER, the City has agreed not to annex the property until such time as City water and sewer services are available at the site.
- At this time, nearest City services are at approximately 46th St. and Floyd Blvd. No one can anticipate when such might be made available at 1130 Barker Ave.
- Accordingly, following County approval of the plat, the property will be subject to Woodbury County Zoning and not City of Sioux City zoning.
- From early 1990's until very recently, the property at 1130 Barker Avenue, though in an agricultural zone, has been used as location for two different trucking companies, West Transportation and All Area Transit.
- Applicant, Mosher Landscaping, trade name of Redline Motors, Inc., will be leasing the property from its parent, Mosher Asset Management, LLC, buyer of the property from the current owner, Edwin Niemeyer Trust. Mosher Landscaping is moving its business to the subject property at 1130 Barker Avenue.
- A family-owned business, Mosher Landscaping has been providing landscaping, nursery, tree, sand and gravel storage, and other related services in the Sioux City area for over 70 years.
- Current county zoning at 1130 Barker Avenue is Agricultural Preservation AP.
- While there is no use defined as "landscaping" specified in the County's Summary Table of Allowed Uses, there are several references to uses describing services provided by Mosher Landscaping.
 - Horticultural production (incl. nurseries & greenhouses) is a principal allowed use.
 - Tree services are an allowed conditional use.
 - Sand and gravel storage is an allowed conditional use.
 - Feed and seed sales and fertilizer storage/distrib./application are allowed conditional uses.
- Accordingly, Mosher Landscaping's business can be permitted at 1130 Barker Avenue either as an allowed principal use as nursery or by granting of conditional use permit in the AP zone through overall analysis of the ordinance and Mosher Landscaping's business and services.
- Following is a detailed description of Mosher Landscaping services and discussion of compliance either as a principal allowed use or compliance with the six criteria for approval of a Conditional Use Permit.



CONDITIONAL USE PERMIT APPLICATION

Owner Information:	Applicant Information:
Owner <u>Edwin O. Niemeyer</u> <u>Revozable Trust</u>	Applicant <u>Mosher Landscaping</u>
Address <u>4250 Freeman Dr.</u> <u>Sioux City, IA 51104</u>	Address <u>Po Box 1311</u> <u>Sioux City, IA 51102</u>
Phone <u>(712)281-0028</u>	Phone <u>712 293-1333 or</u> <u>712 490-5385</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:
Relocate and operate applicant's business on 4.5 acres at 1130 Barker ave.

Property Information:

Property Address or Address Range 1130 Barker Avenue

Quarter/Quarter SW NW Sec 7 Twnshp/Range 89-46

Parcel ID # Part of 8946 0710 0006 GIS # _____ Total Acres 4.50

Current Use commercial trucking Proposed Use landscaping/nursery

Current Zoning A P

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(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 March 28, 2023 Staff present Dan Priestley

The undersigned is/are the owners(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 Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit Application 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.

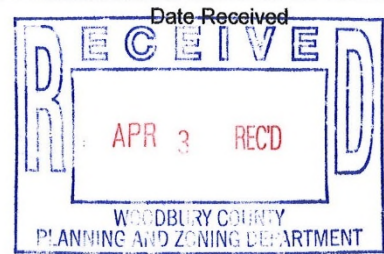
Owner Marilyn Niemeyer, Trustee Applicant Mosher Landscaping - Sid Mosher

Date 3-29-23 Date 3-30-23

Fee: **\$300*** Case #: 6580

Check #: 21410

Receipt #: _____



PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE: (Tab at the end of each line to continue)

Please refer to PAGE 1 in the CUP Application document

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

Please refer to PAGE 5 in the CUP Application document

- (b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. (Tab at the end of each line to continue)

Please refer to PAGE 7 in the CUP Application document

(c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Tab at the end of each line to continue)

Please refer to PAGE 9 in the CUP Application document

(d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Tab at the end of each line to continue)

Please refer to PAGE 10 in the CUP Application document

(e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

Please refer to PAGE 11 in the CUP Application document

(f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (Tab at the end of each line to continue)

Please refer to PAGE 12 in the CUP Application document

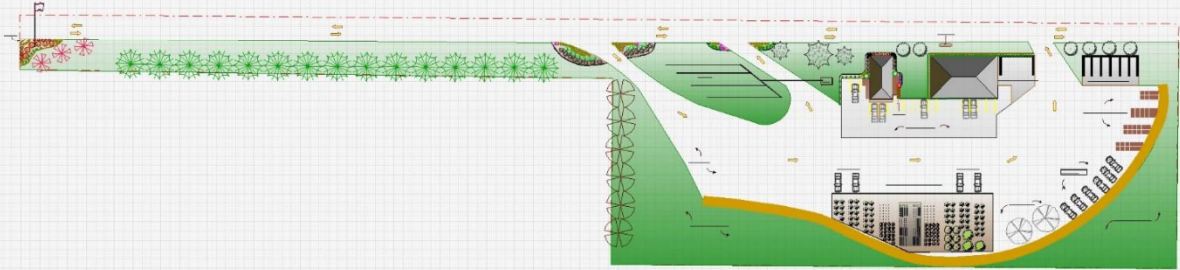
Mosher Landscaping

CUP Application Supplement

PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

Mosher Landscaping has provided Siouxland with landscaping services since 1976. We start our work day at 8am most weekdays and will occasionally work on Saturday. All work is completed on our client's property therefore we have no walk-in traffic. Our crews arrive at 8am and load trucks with whatever materials or equipment is needed to complete their daily task's and leave the shop for the day. There is 1 or 2 office personal (myself or my wife) that may come or go throughout the day otherwise things are generally quiet during the day. Once the crew has completed their daily task's they return to the shop and generally just park vehicles for reloading the next morning. There may from time to time be some unloading that takes place at days end. We receive truckloads of plants at approximately 1-month intervals throughout the summer and truck loads of salt on that same interval throughout the winter. Other materials used on our projects will be picked up directly from distributors and delivered to work sites having never seen our property with the exception of any overflow product remaining after completion of projects. We will maintain an active nursery on site used for the growth of tree's, shrubs or plant's to be installed on landscaping projects (not sold at a retail compacity) as defined in section 113 of the zoning ordinance definition section. As part of the on-site nursery there will need to be fencing to prohibit damage from wildlife as well as a shade structure to protect certain plants from damage due to abundant sunshine. We will have a number of concrete block material bins set up (1 covered and the other's open air) to house dirt, salt, rock, mulch etc... There will be a small area used to house only overflow palletized hardscape goods. WE DO NOT STOCK ANY HARDSCAPE GOODS but do hold overflow goods for use on future projects. We intend to have a couple of bulk material piles (Dirt or Rock) on site from time to time if such material is being harvested from a project and there is a future project in need of said materials. We do have a dump site for waste materials off site therefore no waste materials will be held onsite that does not fit in our dumpster with weekly removal. There is a house with an apartment on site that we intend to have the ability to lease preferable to an employee but that may not always be the case so would like to avoid any leasing restrictions. Our office will be maintained inside the large shop and that shop will also be used to store and maintain equipment and trucks. The winter months will look considerably different. No full-time personnel are employed during these months and our team only gathers if a snow event occurs. Our days are spent in the shop preparing equipment for upcoming snow events, maintaining equipment, or completing office duties. In the event of a snow storm our team meets at the shop usually in the first hour after snow has started gathering and dispatch to the field to commence removal of said snow. Throughout the event there will be salt trucks coming and going(3 or 4 times per event) to load salt otherwise things remain quiet. We will provide snow removal services to the shared lane on the property. As indicated on the drawing there will be a designated snow dumping site on the property unless other accommodations can be made.

MOSHER LANDSCAPING INTENDED PLOT USE LAYOUT 1130 BARKER AVE.



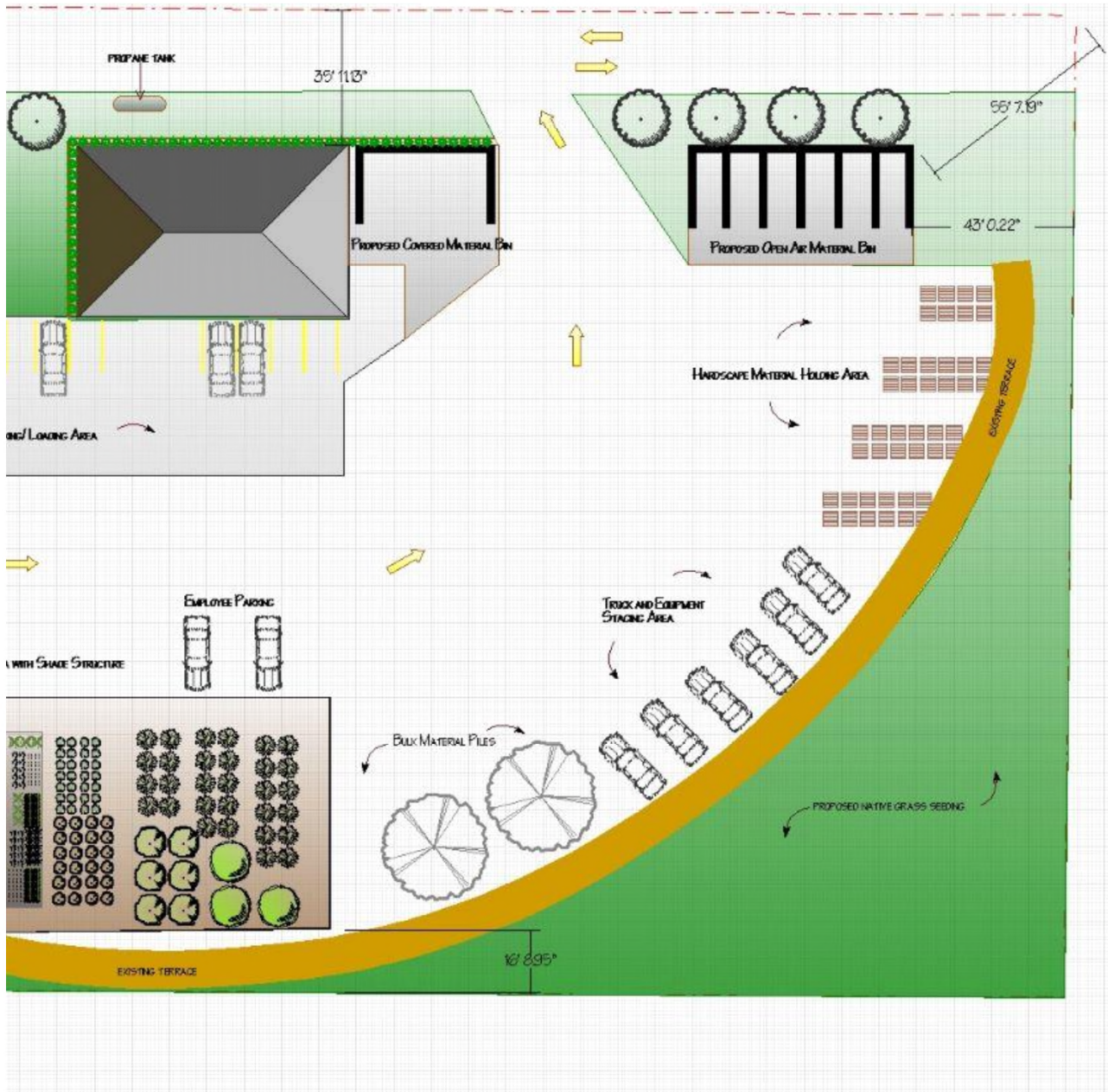
Revision #:
Date: 2/8/2023

Scale:
1' 0.00" = 1500' 0.00"

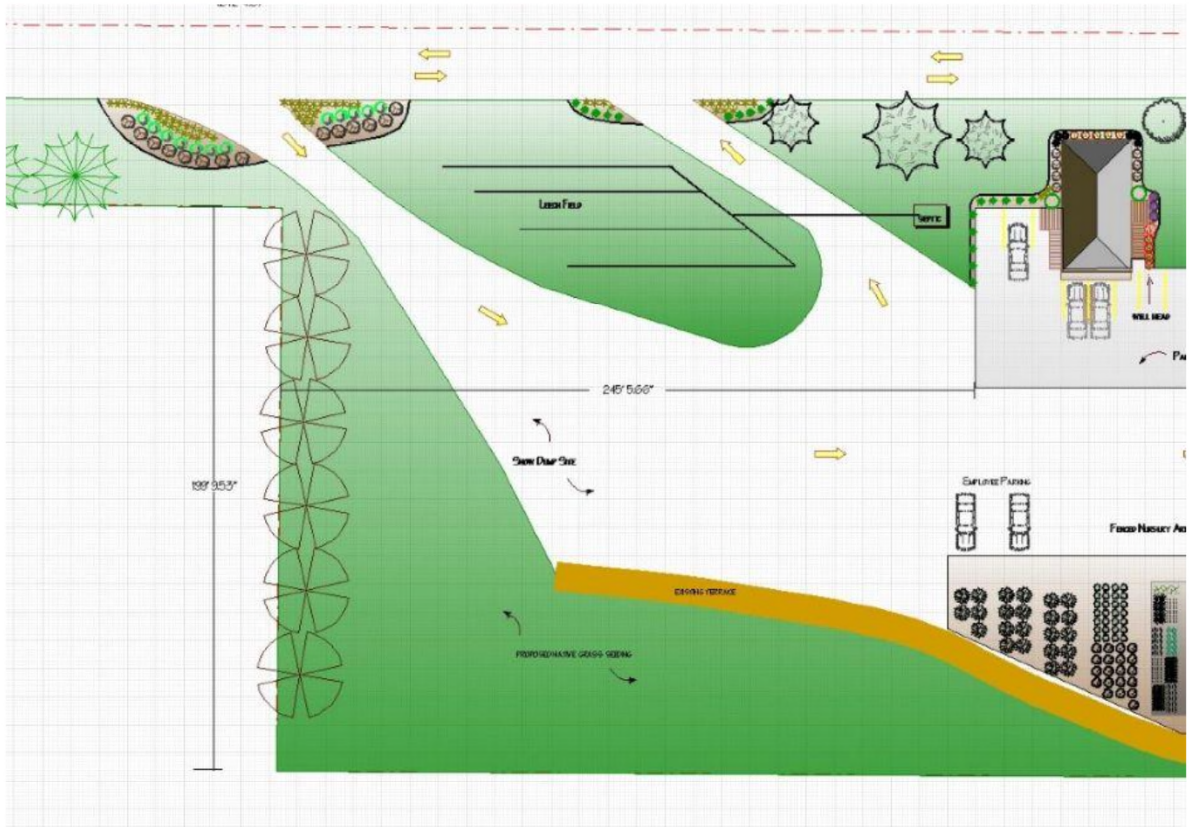
Landscape Plan: 1
Mosher 1130 Barker Ave

Landscape Design by: Sid Mosher
Mosher Landscaping

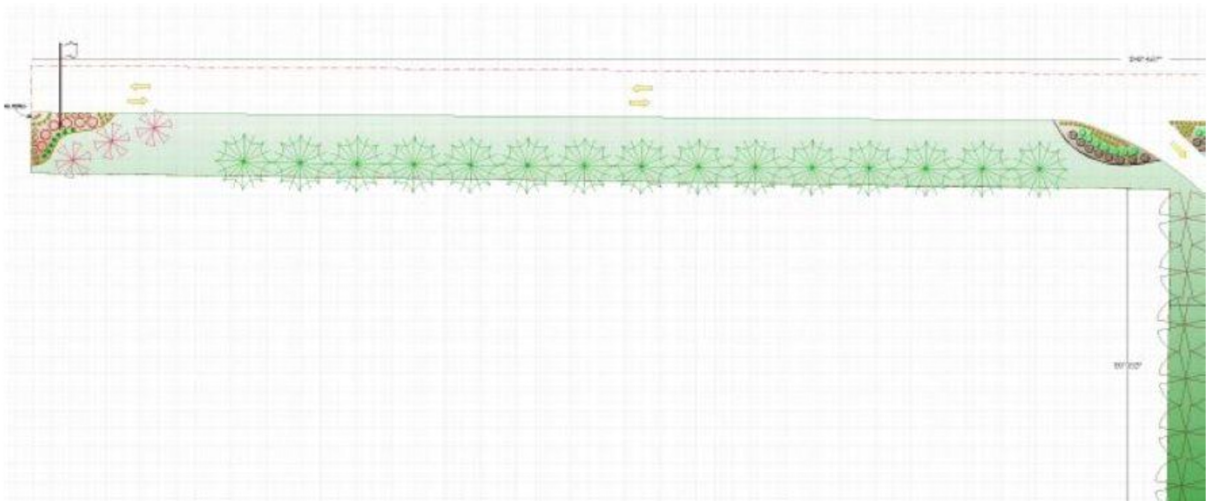
East Zoom View



West Zoom View



Entrance Zoom View



(a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

Criteria 1

After meticulously looking through the chart of land uses provided by the community and economic development dept. of Woodbury County, we see that there is no specified land use for "Landscaping" companies. Landscaping, however, is defined in section 79 within the ordinance as follows:

79. Landscaping. The modification of a site for an aesthetic or functional purpose, including the planting and preservation of vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

We have however, found several listed land uses that we feel our company will fall under noting that the most closely matching is "Horticulture Production/Nursery- Greenhouse" which according to the land use table, is allowed under current zoning district rules. We will maintain a working nursery on site for the growth of trees, shrubs and plants to be used in our landscaping project's and not sold in a retail capacity. We are currently, and have been for many years, A licensed Nursery Dealer with the Iowa Entomology & Plant Science Bureau (License #1060) However, there are certain aspects of our business that we feel don't exactly fall under that description therefore we are asking for a CUP to operate on this property. There are several land uses that are allowable with a CUP in this zoning district that we feel closely describe our business.

First is "Tree Services (including Wood Storage) ". We do offer tree trimming and removal on a small scale as part of our service schedule as well as tree/shrub planting. I say "small scale" because we do not own, or intend to own, any arial equipment in the future so our service extends to our capabilities without such equipment. In addition, there is currently no need, within our business, to store wood.

Second is "Sand & Gravel Storage" also allowable with a CUP. We do intend to store sand and gravel, as well as, rock, mulch, soil and salt on the property, therefore, we feel this also is a fit for us but must admit that we feel this aspect would also be in accordance with "Horticulture Production/Nursery- Greenhouse" as defined in the zoning ordinance #113.

113. Nursery (plant). An establishment for the propagation, cultivation and growth of trees, shrubs, and other plants from seed or stock to be sold for landscaping. Sales of accessory items needed for nurture of plants or maintenance of landscaping such as pesticides, fertilizers, soil conditioners and related tools and equipment are part of the normal operation of a nursery.

Third is "Fertilizer Storage/Distribution/Application". Although fertilizer storge is limited to 500lbs. or less at most times and distribution is not existent within our business model, Fertilizer

application is certainly offered by our company, of course with a proper business Pesticide applicator license (#00 07328 00) filed with the IDALS, as well as individual applicator license's for each certified applicator within our staff.

Fourth is "Feed & Seed Sales". Although we don't offer feed sales of any kind, we do offer turf grass/native grass seeding as part of our normal service line-up so it could be argued that seed sales fits this category as a service but not retail capacity.

Fifth is "Waste Composting" Although we do have an offsite disposal location for waste materials obtained from landscaping projects. We do from time-to-time store materials such as sod removed from properties in compost piles for use in the nursery or landscaping projects when nutrient soil is required in the proper nurturing of trees and plants.

Mosher Landscaping's Active licenses are as follows:

Department of Agriculture and Land Stewardship

Commercial Pesticide License

#00 0738 000

Iowa Entomology & Science Bureau

Nursery Dealer

#1060

State of Iowa - Iowa Department of Labor Contractor Registration

Iowa Contractor License

#E132415

Iowa Department of Transportation

#2889674

In closing, we feel we meet many, both allowed and allowed with a CUP, land uses authorized within this properties zoning district and we meet all standards described within the zoning ordinance. We appreciate your consideration and welcome any additional questions that may be directed towards us.

(b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. Criteria 2

First, I would like to point out that the proposed use of the land in question will not limit or eliminate existing crop land in our rural community. As stated in the general plan, Land Use Goal 1.4 we also recognize the Loess Hills as a unique natural resource in Woodbury County to be cherished. As seen in our provided property map, we intend to install many trees on-site to act as screening from the roadway (Barker Ave,) as well as wind break to improve wind erosion to the hills and farmland adjacent to our property, consistent with section 1.6 of the general plan.

1.4 Recognize the Loess Hills from the “front range” to the steeply rolling hills tapering off toward the east as a unique natural resource.

1.6 Establish standards and practices for land development to minimize soil erosion and damaging water runoff, particularly in the fragile soils of the Loess Hills area of the county.

In addition, I would like to point out that current Iowa ordinance specifies that any sub-division of land within 2 miles of Sioux City would be subject to annexation by the City of Sioux City. The City of Sioux City has agreed to delay any annexation until such time as City water and sewer services are available at the site. This allows us to maintain this plat as a county project which is in harmony with the general plan to develop intergovernmental cooperation as indicated in section 1.8 of the general plan put forth by Woodbury County. Also, this shows that both the City of Sioux City and the County of Woodbury County support existing, growing businesses in Woodbury County.

Mosher Landscaping often employs young people (sometimes an individual’s first job). And we feel we play an integral role in the development of said young people’s work ethic and introduce them to their first real knowledge of how hard work can and will pay off for the rest of their lives. We often have previous employee’s reach out to us explaining that their experience with us developed them into the person they are today and wanting express gratitude for that experience. We often employ students in the summer months while school is in recession and our salary structure of \$15.00-\$30.00 per hour allows them to experience the benefits of a job well done. It was indicated that one of the voice concerns heard at the public meetings held in March of 2005 indicated that most of the concern related to these trends is for the current and future viability of the economy to provide meaningful employment opportunities for the next generation. Concluding that one’s children are likely to leave the area to be more financially successful in life. We feel we fill the gap and offer the younger generation a good paying option locally.

It is stated in the general plan under section 2 Economic Development Goal that Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy. In fact, section 2.2 displays supporting existing, growing businesses in Woodbury County as a Policy.

In section 9 (Public Safety Goal) it is stated under section 9.2 Public Safety Policies that Woodbury County Clean and regulate nuisances and poorly maintained properties. This includes the continued efforts to regulate junk cars, junkyards, and dilapidated/deteriorated residences/farmyards across

the county. This section particularly stands out to me given the fact that our company does this for a living. We spend all of our time day to day designing, installing and maintaining the public appearance of our community as well as creating safe passable conditions in the event of a winter weather system. This certainly will not stop at our own property, in fact, we feel this particular property has for quite some time been in need of some regular maintenance and improvements. As seen in our plat design we propose significant site improvements from a landscaping and general appearance perspective.

(c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. Criteria 3

Considering the fact that this property has been used as a trucking company (West Transportation and All Area Transit) with frequent semi traffic and trailer storage since its construction in 1992, we believe our business will improve effect on adjacent property. With the significant landscape/aesthetic improvements planned for the property it will certainly improve the look of the neighborhood and surrounding property. We commit to addressing any issue's brought forth by community members and remedy any such concerns as quickly as possible to maintain the upmost community relations. We currently operate in a leased shop with several neighbors within our own building and have zero issues maintaining a healthy relationship with said neighbors. We, as a company, have much experience working side by side with close neighbors and feel we have an impeccable record regarding such. Our operation doesn't discard any hazardous waste in the atmosphere or soil and is committed to maintaining that philosophy indefinitely. Any mixing of pesticide chemicals is done by a certified applicator in a manner consistent with IDALS requirements. As explained in our description of conditional use, our traffic requirements are limited to morning and evening as our work is completed on client work sites leaving this property generally quiet throughout the day and overnight. We see no need for road improvements now or in the future.

(d)Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. Criteria 4

I would like to point out that the proposed flag shaped plat offers significant setback from Barker Ave. giving us the advantage of concealment from the neighborhood. Additionally with the proposed planting of trees as screening around the property we feel that will limit any cosmetic concerns regarding surrounding property. As stated previously, traffic, generally speaking, is limited to the hours of 8:00am-8:30am and 4:30pm-5:00pm weekdays and given the fact that it may only be 3 or 4 trucks moving a day we feel traffic impacts are non-existent. In regard to development and improvement to surrounding property we certainly offer no detriment in fact it could be argued the opposite would occur. We are often known to assist with that improvement whether it be loaning a skid loader to a neighbor or other equipment we may have available to answering horticulture related questions in regard to their property improvements. We are always willing to assist in any way we can.

(e)Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. Criteria 5

There is no need for additional public facilities on this project. This property is self-serving regarding sewer/septic and water/well requirements. No road improvements are required to sustain our business. Century link offers adequate high speed internet services to satisfy any requirements needed to effectively operate under the described land use outlined in this application. As earlier described, the services delivered by Mosher Landscaping will not require public facilities, assets or services in addition to those already available on the site.

(f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. Criteria 6

We are committed to maintaining the natural, scenic or historical features of not only the property in question but all of Woodbury County. As previously stated in response to criteria 2, we have implemented several control measures to ensure these features are left unabated, such as tree planting to control wind erosion, significant landscaping to maintain scenic favorability and not impeding on existing farmland. We intend to greatly improve this property for not only our own wellbeing but that of the neighborhood as well.

Other Considerations 1 and 2.

As described herein in considerable detail, the proposed use at this particular location is desirable to provide services that are in the public interest and will contribute to the general welfare of the neighborhood.

Site design, landscaping and screening will minimize any adverse effects of the proposed use.

ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

Mosher Landscaping has provided Siouxland with landscaping services since 1976. We start our work day at 8am most weekdays and will occasionally work on Saturday. All work is completed on our client's property therefore we have no walk-in traffic. Our crews arrive at 8am and load trucks with whatever materials or equipment is needed to complete their daily task's and leave the shop for the day. There is 1 or 2 office personal (myself or my wife) that may come or go throughout the day otherwise things are generally quiet during the day. Once the crew has completed their daily task's they return to the shop and generally just park vehicles for reloading the next morning. There may from time to time be some unloading that takes place at days end. We receive truckloads of plants at approximately 1-month intervals throughout the summer and truck loads of salt on that same interval throughout the winter. Other materials used on our projects will be picked up directly from distributors and delivered to work sites having never seen our property with the exception of any overflow product remaining after completion of projects. We will maintain an active nursery on site used for the growth of tree's, shrubs or plant's to be installed on landscaping projects (not sold at a retail compacity) as defined in section 113 of the zoning ordinance definition section. As part of the on-site nursery there will need to be fencing to prohibit damage from wildlife as well as a shade structure to protect certain plants from damage due to abundant sunshine. We will have a number of concrete block material bins set up (1 covered and the other's open air) to house dirt, salt, rock, mulch etc... There will be a small area used to house only overflow palletized hardscape goods. WE DO NOT STOCK ANY HARDSCAPE GOODS but do hold overflow goods for use on future projects. We intend to have a couple of bulk material piles (Dirt or Rock) on site from time to time if such material is being harvested from a project and there is a future project in need of said materials. We do have a dump site for waste materials off site therefore no waste materials will be held onsite that does not fit in our dumpster with weekly removal. There is a house with an apartment on site that we intend to have the ability to lease preferable to an employee but that may not always be the case so would like to avoid any leasing restrictions. Our office will be maintained inside the large shop and that shop will also be used to store and maintain equipment and trucks. The winter months will look considerably different. No full-time personnel are employed during these months and our team only gathers if a snow event occurs. Our days are spent in the shop preparing equipment for upcoming snow events, maintaining equipment, or completing office duties. In the event of a snow storm our team meets at the shop usually in the first hour after snow has started gathering and dispatch to the field to commence removal of said snow. Throughout the event there will be salt trucks coming and going(3 or 4 times per event) to load salt otherwise things remain quiet. We will provide snow removal services to the shared lane on the property. As indicated on the drawing there will be a designated snow dumping site on the property unless other accommodations can be made.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

1. Maps
 - a. See attachment

CRITERIA 1:

The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

After meticulously looking through the chart of land uses provided by the community and economic development dept. of Woodbury County, we see that there is no specified land use for "Landscaping" companies. Landscaping, however, is defined in section 79 within the ordinance as follows:

79. Landscaping. The modification of a site for an aesthetic or functional purpose, including the planting and preservation of vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

We have however, found several listed land uses that we feel our company will fall under noting that the most closely matching is "Horticulture Production/Nursery- Greenhouse" which according to the land use table, is allowed under current zoning district rules. We will maintain a working nursery on site for the growth of trees, shrubs and plants to be used in our landscaping project's and not sold in a retail capacity. We are currently, and have been for many years, A licensed Nursery Dealer with the Iowa Entomology & Plant Science Bureau (License #1060) However, there are certain aspects of our business that we feel don't exactly fall under that description therefore we are asking for a CUP to operate on this property. There are several land uses that are allowable with a CUP in this zoning district that we feel closely describe our business.

First is "Tree Services (including Wood Storage) ". We do offer tree trimming and removal on a small scale as part of our service schedule as well as tree/shrub planting. I say "small scale" because we do not own, or intend to own, any arial equipment in the future so our service extends to our capabilities without such equipment. In addition, there is currently no need, within our business, to store wood.

Second is "Sand & Gravel Storage" also allowable with a CUP. We do intend to store sand and gravel, as well as, rock, mulch, soil and salt on the property, therefore, we feel this also is a fit for us but must admit that we feel this aspect would also be in accordance with "Horticulture Production/Nursery- Greenhouse" as defined in the zoning ordinance #113.

113. Nursery (plant). An establishment for the propagation, cultivation and growth of trees, shrubs, and other plants from seed or stock to be sold for landscaping. Sales of accessory items needed for nurture of plants or maintenance of landscaping such as pesticides, fertilizers, soil conditioners and related tools and equipment are part of the normal operation of a nursery.

Third is "Fertilizer Storage/Distribution/Application". Although fertilizer storge is limited to 500lbs. or less at most times and distribution is not existent within our business model, Fertilizer application is certainly offered by our company, of course with a proper business Pesticide applicator license (#00 07328 00) filed with the IDALS, as well as individual applicator license's for each certified applicator within our staff.

Fourth is "Feed & Seed Sales". Although we don't offer feed sales of any kind, we do offer turf grass/native grass seeding as part of our normal service line-up so it could be argued that seed sales fits this category as a service but not retail capacity.

Fifth is "Waste Composting" Although we do have an offsite disposal location for waste materials obtained from landscaping projects. We do from time-to-time store materials such as sod removed from properties in compost piles for use in the nursery or landscaping projects when nutrient soil is required in the proper nurturing of trees and plants.

Mosher Landscaping's Active licenses are as follows:

Department of Agriculture and Land Stewardship
Commercial Pesticide License
#00 0738 000

Iowa Entomology & Science Bureau
Nursery Dealer
#1060

State of Iowa - Iowa Department of Labor Contractor Registration
Iowa Contractor License
#E132415

Iowa Department of Transportation
#2889674

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In closing, we feel we meet many, both allowed and allowed with a CUP, land uses authorized within this properties zoning district and we meet all standards described within the zoning ordinance. We appreciate your consideration and welcome any additional questions that may be directed towards us.

Staff Analysis:

Staff concurs with the applicant's assessment of the allowed uses and conditional uses. As noted, the proposed uses do contain elements of the referenced use types. There is no reference to a landscaping business or use within the Zoning Ordinance or in particular, the Land Use Summary Table (Section 3.03.4). Therefore, staff's interpretation under Section 3.03.3 is that the uses the applicant has referenced are comparable and authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

CRITERIA 2:

The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

First, I would like to point out that the proposed use of the land in question will not limit or eliminate existing crop land in our rural community. As stated in the general plan, Land Use Goal 1.4 we also recognize the Loess Hills as a unique natural resource in Woodbury County to be cherished. As seen in our provided property map, we intend to install many trees on-site to act as screening from the roadway (Barker Ave,) as well as wind break to improve wind erosion to the hills and farmland adjacent to our property, consistent with section 1.6 of the general plan.

1.4 Recognize the Loess Hills from the “front range” to the steeply rolling hills tapering off toward the east as a unique natural resource.

1.6 Establish standards and practices for land development to minimize soil erosion and damaging water runoff, particularly in the fragile soils of the Loess Hills area of the county.

In addition, I would like to point out that current Iowa ordinance specifies that any sub-division of land within 2 miles of Sioux City would be subject to annexation by the City of Sioux City. The City of Sioux City has agreed to delay any annexation until such time as City water and sewer services are available at the site. This allows us to maintain this plat as a county project which is in harmony with the general plan to develop intergovernmental cooperation as indicated in section 1.8 of the general plan put forth by Woodbury County. Also, this shows that both the City of Sioux City and the County of Woodbury County support existing, growing businesses in Woodbury County.

Mosher Landscaping often employs young people (sometimes an individual’s first job). And we feel we play an integral role in the development of said young people’s work ethic and introduce them to their first real knowledge of how hard work can and will pay off for the rest of their lives. We often have previous employee’s reach out to us explaining that their experience with us developed them into the person they are today and wanting express gratitude for that experience. We often employ students in the summer months while school is in recession and our salary structure of \$15.00-\$30.00 per hour allows them to experience the benefits of a job well done. It was indicated that one of the voice concerns heard at the public meetings held in March of 2005 indicated that most of the concern related to these trends is for the current and future viability of the economy to provide meaningful employment opportunities for the next generation. Concluding that one’s children are likely to leave the area to be more financially successful in life. We feel we fill the gap and offer the younger generation a good paying option locally.

It is stated in the general plan under section 2 Economic Development Goal that Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy. In fact, section 2.2 displays supporting existing, growing businesses in Woodbury County as a Policy.

In section 9 (Public Safety Goal) it is stated under section 9.2 Public Safety Policies that Woodbury County Clean and regulate nuisances and poorly maintained properties. This includes the continued efforts to regulate junk cars, junkyards, and dilapidated/deteriorated residences/farmyards across the county. This section particularly stands out to me given the fact that our company does this for a living. We spend all of our time day to day designing, installing and maintaining the public appearance of our community as well as creating safe passable conditions in the event of a winter weather system. This certainly will not stop at our own property, in fact, we feel this particular property has for quite some time been in need of some regular maintenance and improvements. As seen in our plat design we propose significant site improvements from a landscaping and general appearance perspective.

Staff Analysis:

Staff concurs with the applicant’s assessment with their citations from the Woodbury County General Development Plan (2005) and Zoning Ordinance and finds their plan meets the standard for being in harmony with the general purpose and intent of the ordinance and the goals, objectives and standards of the plan.

CRITERIA 3:

The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

Considering the fact that this property has been used as a trucking company (West Transportation and All Area Transit) with frequent semi traffic and trailer storage since its construction in 1992, we believe our business will improve effect on adjacent property. With the significant landscape/aesthetic improvements planned for the property it will certainly improve the look of the neighborhood and surrounding property. We commit to addressing any issue’s brought forth by community members and remedy any such concerns as quickly as possible to maintain the upmost community relations. We currently operate in a leased shop with several neighbors within our own building and have zero issues maintaining a healthy relationship with said neighbors. We, as a company, have much experience working side by side with close neighbors and feel we have an impeccable record regarding such. Our operation doesn’t discard any hazardous waste in the atmosphere or soil and is committed to maintaining that philosophy indefinitely. Any mixing of pesticide chemicals is done by a certified applicator in a manner consistent with IDALS requirements. As explained in our description of conditional use, our traffic requirements are limited to morning and evening as our work is completed on client work sites leaving this property generally quiet throughout the day and overnight. We see no need for road improvements now or in the future.

Staff Analysis:

Based on the information received about this proposal, it appears the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.

CRITERIA 4:

The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

I would like to point out that the proposed flag shaped plat offers significant setback from Barker Ave. giving us the advantage of concealment from the neighborhood. Additionally with the proposed planting of trees as screening around the property we feel that will limit any cosmetic concerns regarding surrounding property. As stated previously, traffic, generally speaking, is limited to the hours of 8:00am-8:30am and 4:30pm-5:00pm weekdays and given the fact that it may only be 3 or 4 trucks moving a day we feel traffic impacts are non-existent. In regard to development and improvement to surrounding property we certainly offer no detriment in fact it could be argued the opposite would occur. We are often known to assist with that improvement whether it be loaning a skid loader to a neighbor or other equipment we may have available to answering horticulture related questions in regard to their property improvements. We are always willing to assist in any way we can.

Staff Analysis:

Based on the information received about this proposal, it appears the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

CRITERIA 5:

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

There is no need for additional public facilities on this project. This property is self-serving regarding sewer/septic and water/well requirements. No road improvements are required to sustain our business. Century link offers adequate high speed internet services to satisfy any requirements needed to effectively operate under the described land use outlined in this application. As earlier described, the services delivered by Mosher Landscaping will not require public facilities, assets or services in addition to those already available on the site.

Staff Analysis:

Staff concurs with the applicant's response.

CRITERIA 6:

The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

We are committed to maintaining the natural, scenic or historical features of not only the property in question but all of Woodbury County. As previously stated in response to criteria 2, we have implemented several control measures to ensure these features are left unabated, such as tree planting to control wind erosion, significant landscaping to maintain scenic favorability and not impeding on existing farmland. We intend to greatly improve this property for not only our own wellbeing but that of the neighborhood as well.

Staff Analysis:

Based on the information received about this proposal, it appears the applicant understands and intends to respect the natural, scenic or historical features of the property and neighborhood.

OTHER CONSIDERATION 1:

The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

As described herein in considerable detail, the proposed use at this particular location can be construed as a service or offering to the community.

OTHER CONSIDERATION 2:

All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

Site design, landscaping and screening will minimize any adverse effects of the proposed use

LEGAL NOTIFICATION

Published in the Sioux City Journal Legals section on April 15, 2023.

Conditional Use Permit request is to sell alcohol during RAGBRAE's visit through Woodbury County on July 23, 2023. The proposed sales site is at 2590 110th Street, Moline, IA 51039 on Parcel #894607100036. The parcel is located in T89N R44W (Arlington Township), Section 7, in the NW ¼. The property is located approximately 3.5 miles north of Moline. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Chad and Tara Schmitt, 2590 110th St, Moline, IA 51039; Backcocket Brewing (Aron Vargas or Steve Linn), 903 Quarry Road, Coralville, IA 52241. Item Two (2)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider a variance application from property owner(s), Jerod and Kayla Eickhoff. The variance request is to build an approximately 40' x 60' accessory pole barn (shed) prior to building a principal structure (single-family dwelling). Section 4.12.2 of the Woodbury County Zoning Ordinance requires that "no accessory building shall be constructed upon a lot until the construction of the principal building has commenced..." (p. 45). The property owners have filed this variance to request relief from the requirement that the principal structure (house) must be built before the accessory structure (shed) due to a delay with the contractor. The property is designated as Parcel #8472420011 and is located on Lot 1 of the Davis Estates Subdivision in T89N R47W (Woodbury Township), Section 24. The property is located in the Agricultural Estates (AE) Zoning District and is not located in the floodplain. This property is located approximately 2.1 miles east of Sioux City and 2.7 miles west of Bronson. The property owner(s)/applicant(s) are Jerod and Kayla Eickhoff, 2724 S. Martha St., Sioux City, IA 51106. Item Three (3)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Marilyn Niemeyer, as Trustee of the Edwin C. Niemeyer Revocable Trust (Owner) and Sid Mosher of Mosher Landscaping (Applicant). The Conditional Use Permit request is to use the property located at 1130 Banker Ave., Sioux City, IA 51108 on a 4.6-acre portion of Parcel #894607100006, for landscaping, a nursery, and other uses. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the Agricultural Preservation (AP) Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. The parcel is located in T89N R46W (Concord Township), Section 7, in the SW ¼ of the NW ¼. The property directly abuts the Sioux City corporate boundary and is located on the east side of Barker Avenue. The property is located in the AP Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Marilyn Niemeyer, as Trustee of the Edwin C. Niemeyer Revocable Trust, 4292 Froner Dr., Sioux City, IA 51104; Sid Mosher of Mosher Landscaping, PO Box 1311, Sioux City, IA 51102. Item Four (4)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Eric Hennings. Ownership of Parcel #884704200001 and Parcel #884704200003 and JB Holland Construction, Inc. (Applicant); and Donald Hennings of the Hennings Joint Trust (Ownership of Parcel #884702100006) and JB Holland Construction, Inc. (Applicant). The Conditional Use Permit request is to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200003 and Parcel #884704200003 (West Borrow Area) and Parcel #884702100006 (East Borrow Area). The West Borrow Area is located in T88N R47W, Section 4, on Government Lot 1 & 5. The East Borrow Area is located in T88N R47W, Section 2, on Government Lot 2. The parcels are located on the south side of Highway 20 and east of the Hwy 75/Highway 20 Interchange. Each parcel is currently used as farm ground. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100005 is located in the Special Flood Hazard Area

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY BOARD OF ADJUSTMENT

The Woodbury County Board of Adjustment will hold public hearings on the following items hereafter described in detail on May 1, 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, Woodbury 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: 285 993 5734 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 Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Backcocket Brewing (Applicant) and property owners Chad and Tara Schmitt. The

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The 8 property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **April 14, 2023** letter of the public hearing before the Woodbury County Board of Adjustment on **May 1, 2023**.

As of **April 19, 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:
Marilyn Niemeyer, Trustee of the Edwin O. Niemeyer Revocable Trust	4250 Fremar Dr.	Sioux City	IA	51104	No comments.
Justine B. Barkley	1140 Barker Ave.	Sioux City	IA	51108	See letter below
Mark W. Zenk	1152 Barker Ave.	Sioux City	IA	51108	See letter below.
Hunter A. Rockman	1176 Barker Ave.	Sioux City	IA	51108	See letter below.
Derrill J. Townley, Trustee of the Derrill J. Townley Revocable Trust	1414 110th St.	Sioux City	IA	51108	
Edward Townley and Marie Townley	1418 110th St.	Sioux City	IA	51108	See letter below.
City of Sioux City	405 6th St.	Sioux City	IA	51102-0447	No comments.
Michael J. Barkley and Mary E. Barkley	5701 41st St.	Sioux City	IA	51108	

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

I am familiar with the property and have been advised of Mosher's plans for it. Mosher Landscaping will be an excellent addition to the neighborhood area and will fit in well.

Thank you for registering my support for the Mosher landscaping project.

Very truly,


Mark W. Zenk

1152 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

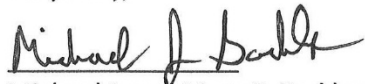
Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

I am familiar with the property and have been advised of Mosher's plans for it. Mosher Landscaping will be an excellent addition to the neighborhood area and will fit in well.

Thank you for registering my support for the Mosher landscaping project.

Very truly,



Michael J. and Mary E. Barkley

5701 41st St.
Sioux City, IA. 51108

March 30, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

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Very truly,



Justine B. Barkley

1140 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

Folks:

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Thank you for registering my support for the Mosher landscaping project.

Very truly,



Hunter A. Rockman

1176 Barker Ave.
Sioux City, IA. 51108

April 2
March ____, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

Folks:

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Thank you for registering my support for the Mosher landscaping project.

Very truly,



Edward and Marie Townley

1418 110th St.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

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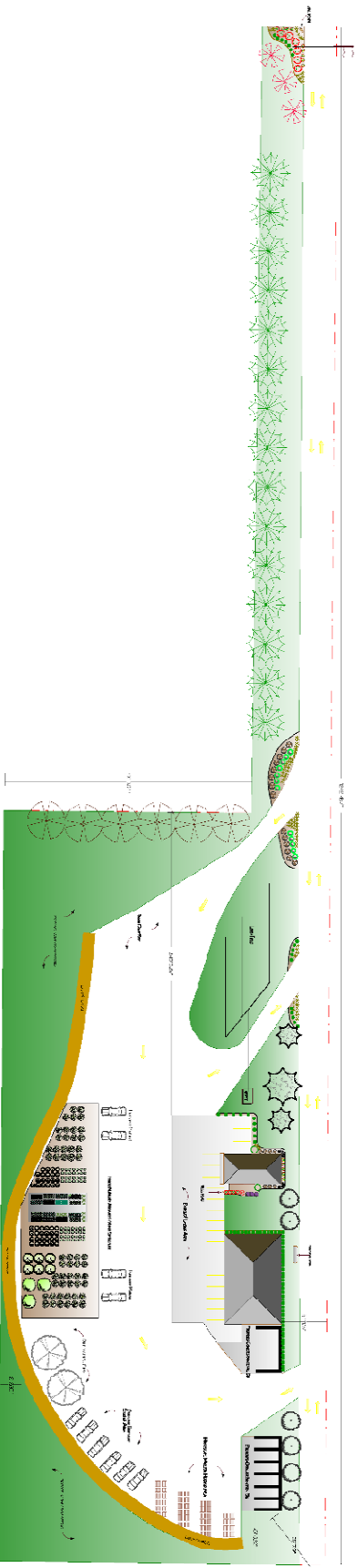
Very truly,


Derril / Don Townley

1414 110th St.
Sioux City, IA. 51108

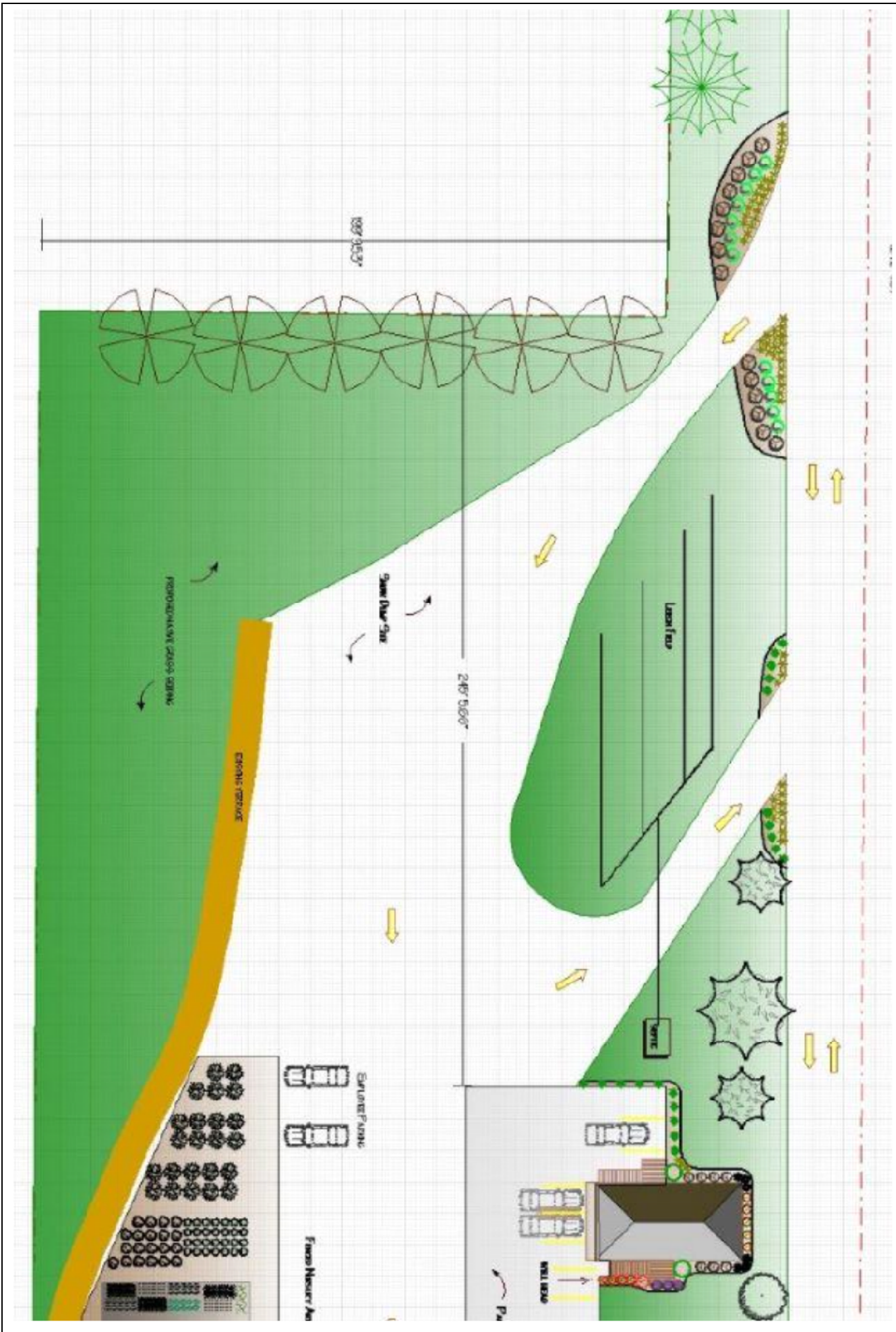
STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I believe I've commented on all of these. We shouldn't have any issues with any of the proposals. – Casey Meinen, 4/11/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC Gas. – Tyler Ahlquist, 4/5/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed these five zoning requests, NIPCO has no facilities at or adjacent to these locations. – Jeff Zettel, 4/12/23.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No problem here. – Daniel Heissel, 4/4/23.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed conditional use permit. – Neil Stockfleth, 4/5/23.

MOSHER LANDSCAPING INTENDED PLAT USE LAYOUT 1130 BARKER AVE.

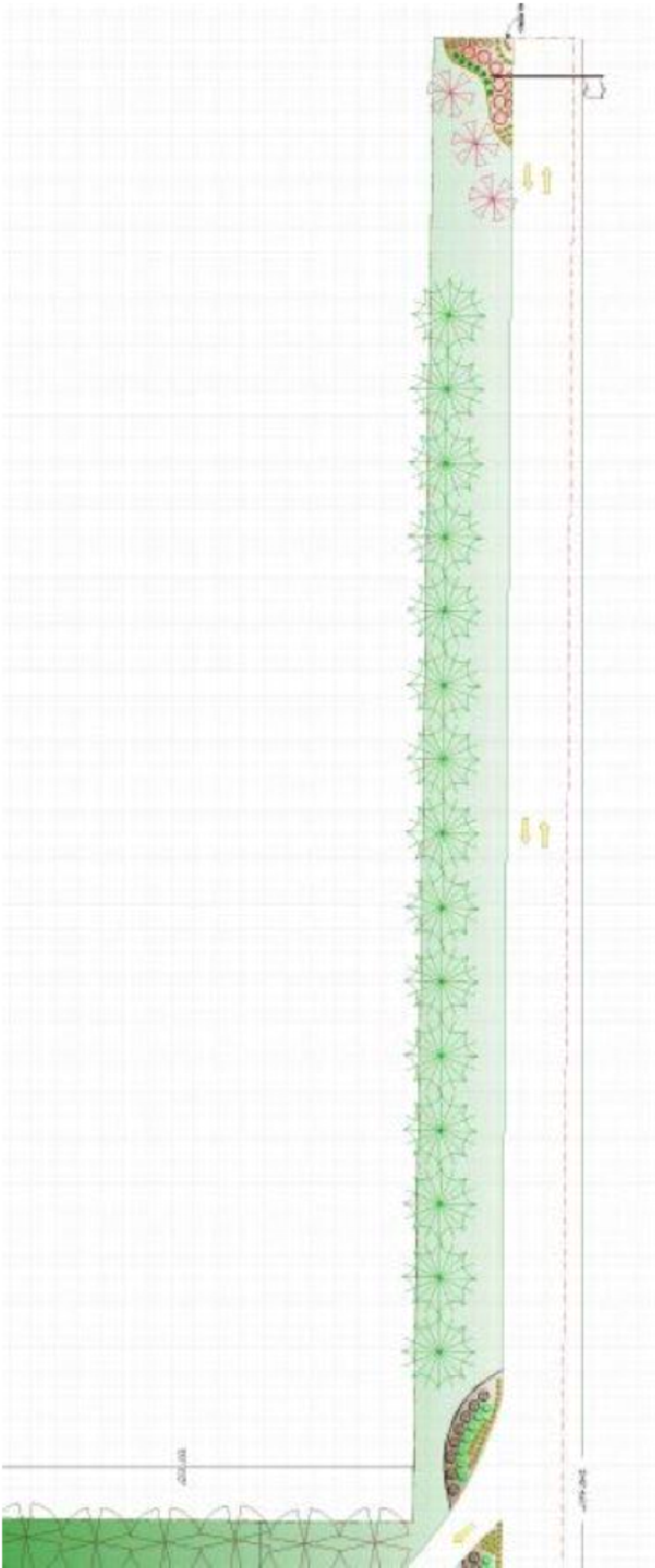


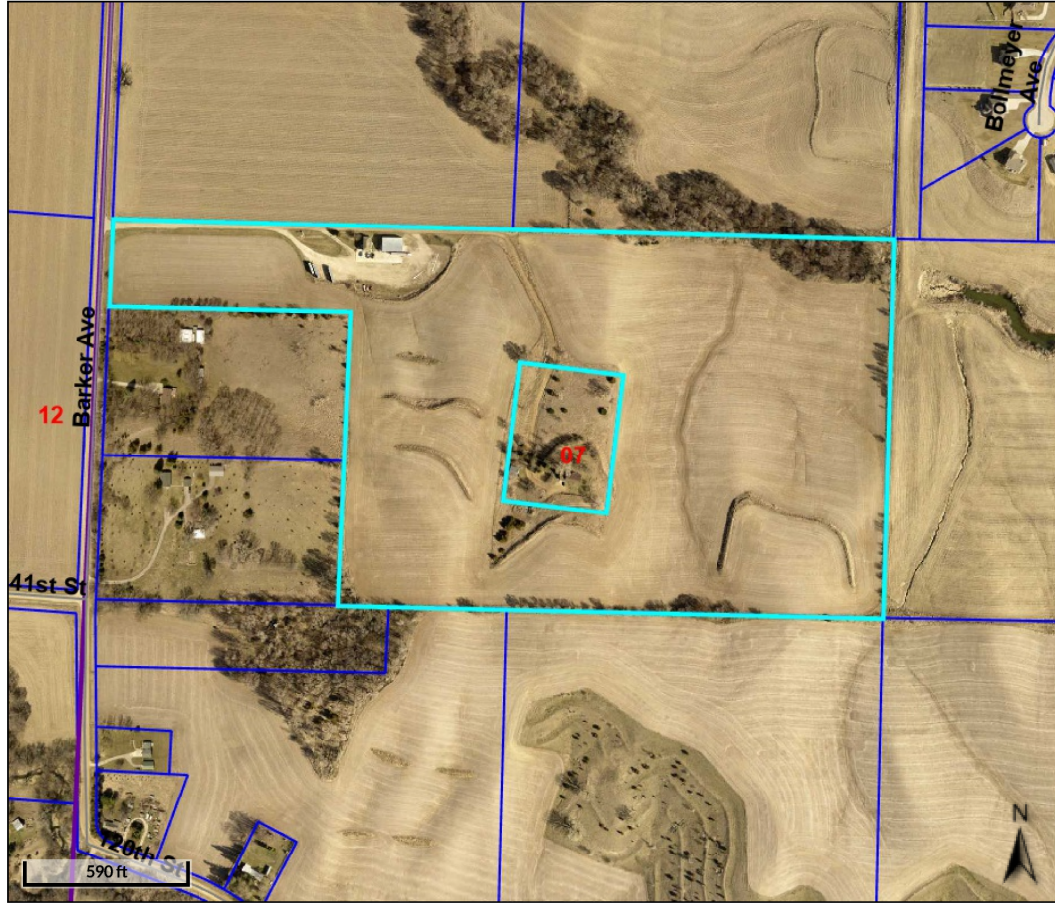
Revision #: 1	Scale: 1" = 1500'	Landscape Plan: 1	Landscape Design by: Sid Moshier
Date: 3/28/2023	1" = 1500'	Moshier 1130 Barker Ave	Moshier Landscaping

West Zoom View

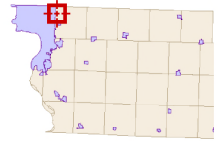


Entrance Zoom View





Overview



Legend

-  Roads
-  Corp Boundaries
-  Townships
-  Parcels

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				

District 0057

Brief Tax Description EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46

(Note: Not to be used on legal documents)

Date created: 3/31/2023
 Last Data Uploaded: 3/30/2023 9:08:57 PM

Developed by 

PARCEL REPORT

3/31/23, 11:02 AM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 894607100006

Beacon USCC of Woodbury County, IA / Sioux City

Summary

Parcel ID 894607100006
 Alternate ID 883590
 Property 1130 BARKER AVE
 Address SIOUX CITY IA 51106
 Sec/Twp/Rng 7-89-46
 Brief EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC SWLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46
 Tax Description
 (Note: Not to be used on legal documents)
 Deed Book/Page [2020-13775 \(10/27/2020\)](#)
 Gross Acres 60.53
 Net Acres 60.53
 Adjusted CSR Pts 3075.32
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0057 CONCORD/SIOUX CITY
 School District SIOUX CITY COMM
 Neighborhood N/A



Owner

Deed Holder
[Niemeyer Edwin O Revocable Trust](#)
[4125 Fremar Dr](#)
 Sioux City IA 51104
 Contract Holder
 Mailing Address
 Niemeyer Marilyn
 4250 Fremar Dr
 Sioux City IA 51104

Land

Lot Area 60.53 Acres ; 2,636,687 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1994
 Condition Normal
 Roof Asph / Hip
 Flooring
 Foundation TILE
 Exterior Material METAL SIDING
 Interior Material Drwl
 Brick or Stone Veneer
 Total Gross Living Area 1,104 SF
 Main Area Square Feet 1104
 Attic Type None;
 Number of Rooms 4 above; 0 below
 Number of Bedrooms 2 above; 0 below
 Basement Area Type Full
 Basement Area 1,104
 Basement Finished Area
 Plumbing 1 Standard Bath - 3 Fi;
 Appliances
 Central Air Yes
 Heat Yes
 Fireplaces
 Porches
 Decks
 Additions
 Garages Basement Stall - 2 stalls;

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	MACHINE SHED	46	72	1994	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
10/26/2020	NIEMEYER EDWIN O & MARILYN	NIEMEYER EDWIN O REVOCABLE TRUST	2020-13775	Quit Claim Deed	Deed		\$0.00

Valuation

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$100,250	\$77,880	\$77,880	\$73,590	\$73,590
+ Assessed Building Value	\$6,890	\$5,750	\$5,750	\$5,250	\$5,250
+ Assessed Dwelling Value	\$188,920	\$143,470	\$143,470	\$120,810	\$120,810
= Gross Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650

Sioux City Special Assessments and Fees

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

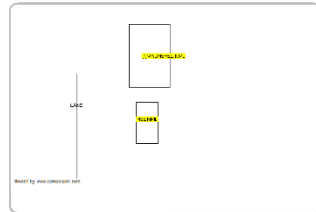
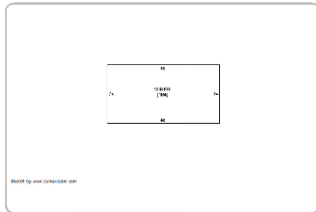
Woodbury County Tax Credit Applications

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

Photos



Sketches



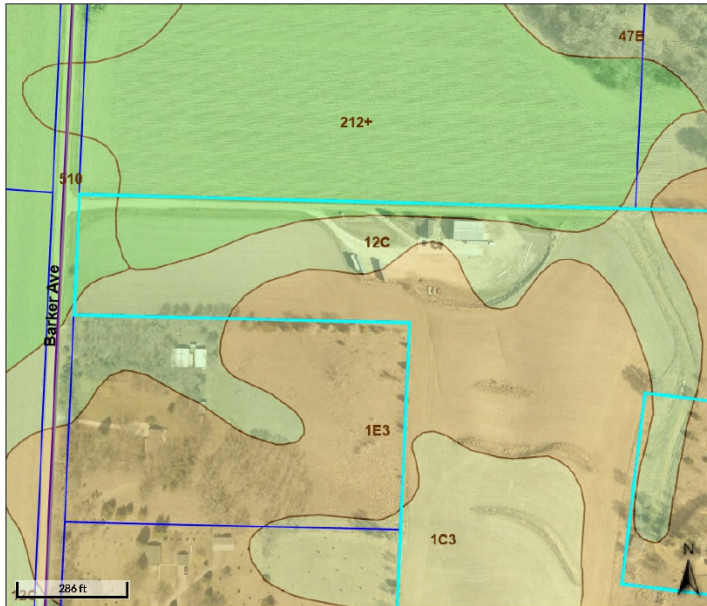
No data available for the following modules: Commercial Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications.



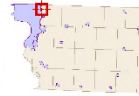
[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 3/30/2023, 8:08:57 PM](#)

SOIL REPORT



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 894607100006 Alternate ID 883590 Owner Address NIEMEYER EDWIN O REVOCABLE TRUST
 Sec/Twp/Rng 7-89-46 Class A 4125 FREMAR DR
 Property Address 1130 BARKER AVE Acreege 60.53 SIoux CITY, IA 51104
 SIoux CITY
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 (Note: Not to be used on legal documents)

Summary

Parcel ID 894607100006
 Gross Acres 60.53
 ROW Acres 0.00
 Gross Taxable Acres 60.53
 Exempt Acres 0.00
 Net Taxable Acres 60.53 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 54.75 (3313.83 CSR2 Points / 60.53 Gross Taxable Acres)

Agland Active Config 2017 CSR2

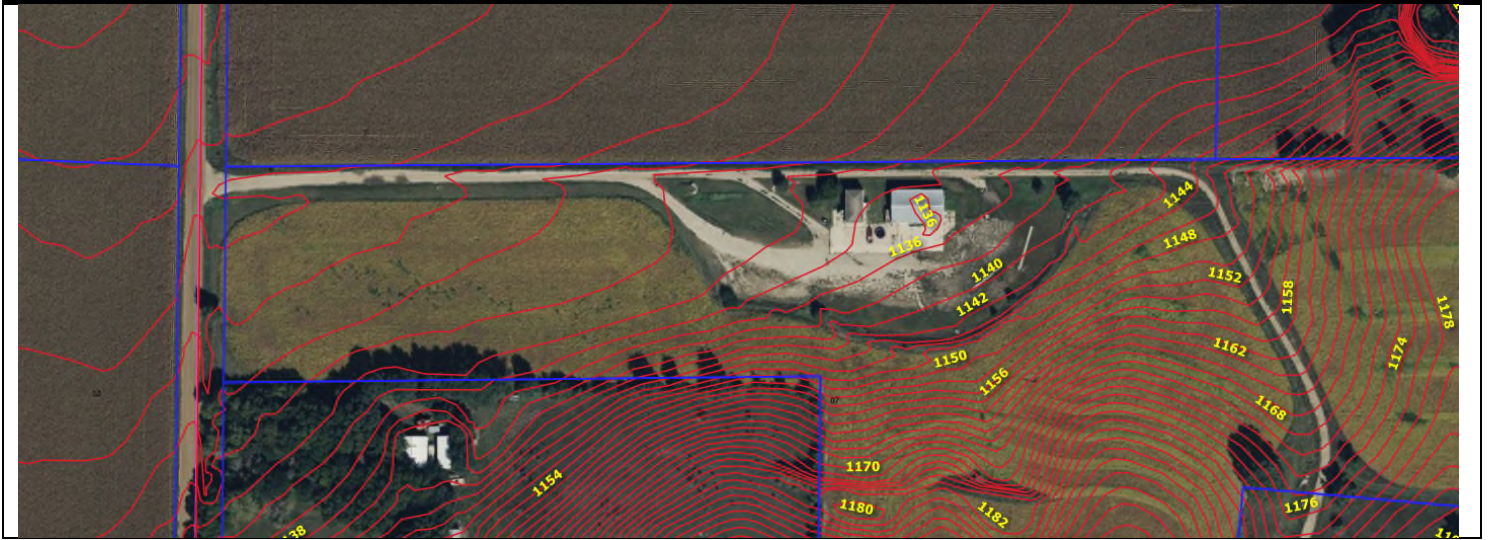
Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	50.56	53.97	2,728.72	2,728.72
Non-Crop	9.97	58.69	585.11	346.60
Total	60.53		3,313.83	3,075.32

Soil Summary

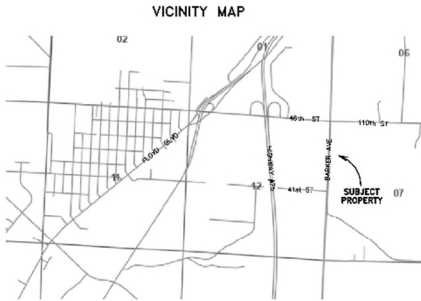
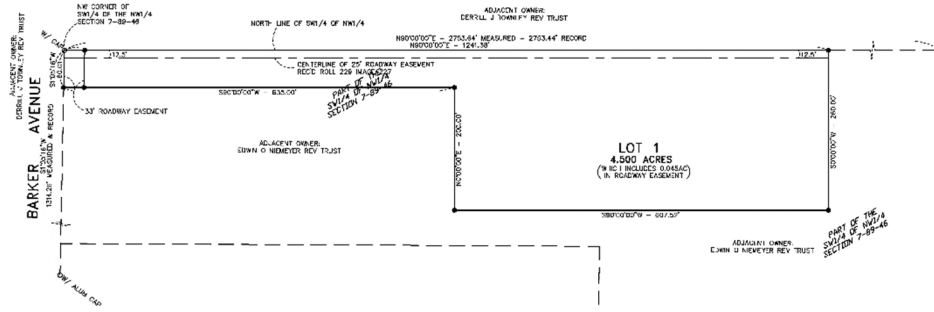
Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.45	43.20	43.20
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	9.82	913.26	913.26
100% Value	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.02	91.80	91.80
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	5.36	477.04	477.04
100% Value	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	0.56	47.60	47.60
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	2.18	130.80	130.80
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	7.70	446.60	446.60
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	11.14	356.48	356.48
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	12.33	221.94	221.94
Non-Crop	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.10	9.60	4.79
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.01	0.93	0.47
Non-Crop	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.18	106.20	54.68
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	2.19	194.91	100.92
Non-Crop	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	1.75	148.75	78.82
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.88	51.04	33.46
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.30	9.60	9.38
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	3.56	64.08	64.08
Total				60.53	3,313.83	3,075.32

ELEVATION



PROPOSED MINOR SUBDIVISION PLAT

**FINAL PLAT OF
NIEMEYER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA**



LEGAL DESCRIPTION

All that part of the Southeast 1/4 of the Northeast 1/4 of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:
Beginning at the Northwest corner of said Southeast 1/4 of the Northeast 1/4 of said Section 7; thence North 90° 02'07" East along the North line of said Southeast 1/4 of the Northeast 1/4 to 1741.28 feet; thence South 87° 07'07" East for 200.00 feet; thence South 89° 02'07" West for 657.00 feet; thence North 02° 02'07" East for 200.00 feet; thence South 89° 02'07" West for 657.00 feet to the West line of said Southeast 1/4 of the Northeast 1/4; thence North 11° 02'18" East along said West line for 652.71 feet to the point of beginning.
Said described parcel contains 4.500 acres, more or less, which includes 0.0456 acres in roadway easement.

OWNERS & S&B AGENTS:
EDWIN O NIEMEYER & ASSOCIATES, INC.
4225 FRANK DRIVE
SIOUX CITY, IA 51104

LAND SURVEYOR:
DOUGLAS J WOODHURST
MLS & ASSOCIATES, P.L.C.
703 DOUGLAS STREET
SIOUX CITY, IOWA

SCALE: 1" = 100'

SHEET 1 OF 2

NOTES

- ZONING DISTRICT:**
R1 - RESIDENTIAL SINGLE-FAMILY DWELLING
- BLANK REGULATIONS:**
MINIMUM LOT WIDTH: 200'
MINIMUM LOT SIZE: 2 ACRES
MINIMUM FRONT YARD SETBACK: 100'
SIDE YARD SETBACK: 25' OR 50'
MINIMUM REAR YARD SETBACK: 25' OR 50'
MAXIMUM HEIGHT: 40'
MAXIMUM STORIES: NO LIMIT
- OTHER REGULATIONS APPLY BY SUBDIVISION ORDINANCES FOR DETAILS**
- LOT TO BE DECEDED BY PRIVATE SUILLS AND SPECIFIC SYSTEMS**
- ELECTRICAL: WOODBURY COUNTY REC 1483 1/2" BOLT JUMPS, METALLIC, 2000 2000**
- TELEPHONE: LOT PRESENTLY HAS SERVICE OF LANDLINE PHONE SERVICE**
- TOTAL AREA IN ADDITION: 4.500 ACRES**

CERTIFICATION

I, DOUGLAS J WOODHURST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10242, DO HEREBY CERTIFY THAT THE PLAT OF SAID MINOR SUBDIVISION IS A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE SAME IS CORRECTLY PLOTTED AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT DESCRIBED IN THE ADDITION PLATED THAT THE SAME ARE OF THE SAME NUMBER, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT THE SAME ARE CORRECTLY PLOTTED AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

DATE: MARCH 29, 2023



LEGEND

- INDICATES FOUND BOUND
- UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 3/8" IRON PIN W/ CAP #10767C

COUNTY: WOODBURY
SECTION: 7 TOWNSHIP: 89N RANGE: 46W
ADJACENT PART: SW 1/4 OF NW 1/4
SITE:
SUBDIVISION: NIEMEYER ADDITION
SECTION:
LOT: 1
ADJACENT: EDWIN O NIEMEYER REVOC TRUST
REQUESTED BY: ALEX BERNESTEN

PREPARED BY
MLS & ASSOCIATES, PLC
703 DOUGLAS STREET
SIOUX CITY, IOWA 51101
(712) 258-8844
MLSSURVEYING@GMAIL.COM

FINAL PLAT OF
NIEMEYER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

SHEET 2 OF 2
PLOT DATE: MARCH 28, 2023

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADJUDMENT THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING COMMISSION DID ON THE _____ DAY OF _____, 20____ RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED _____
ANDREW GUSAK, CHAIRPERSON

DATED _____
JILL WANDERSCHIED
NEIGHBORHOOD SERVICES MANAGER

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT, NOW, HEREOF BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ADJUDGED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS ACCEPTED AND APPROVED.

PASSED _____
ROBERT E. SCOTT, MAYOR

APPROVED _____
ATTEST: LISA MCGARBLE, CITY CLERK

STATE OF IOWA }
WOODBURY COUNTY } ss

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE _____ DAY OF _____, 20____ AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK.

DATED _____
ROBERT E. SCOTT, MAYOR

LISA MCGARBLE, CITY CLERK

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

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

DATED _____
PATRICK F. GILL
WOODBURY COUNTY AUDITOR

BY: DIANE SMOBCA PETERSON, DEPUTY
WOODBURY COUNTY AUDITOR

COUNTY ENGINEER'S CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT AND HAVE MATHEMATICALLY COMPUTED THE PERIMETER OF SAID PLAT AND THAT SAID PLAT CONFORMS WITH THE COLORADO REQUIREMENTS OF THE WOODBURY COUNTY SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED _____
MARK NAHRA, P.E.
WOODBURY COUNTY ENGINEER

BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NUMBER _____
RESOLUTION ACCEPTING AND APPROVING NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.
WHEREAS, THE OWNER AND PROPRIETOR DID ON THE _____ DAY OF _____, 20____ FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO 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 SAID PLAT; 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 NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRPERSON AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 20____

MATTHEW KING
CHAIRPERSON OF BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST: _____
PATRICK F. GILL
SECRETARY

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING AND ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADJUDMENT THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON THE _____ DAY OF _____, 20____ AFFIRMATIVE TO THE WOODBURY COUNTY BOARD OF SUPERVISORS THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION.

DATED _____
CHRISTINE ELLMAN LANTZ, CHAIR
WOODBURY COUNTY ZONING COMMISSION

DANIEL J. PRIESTLEY
PLANNING & ZONING COORDINATOR
WOODBURY COUNTY ZONING COMMISSION

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, THE UNDERSIGNED, 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 _____
TINA M. BERRIAND, TREASURER
WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, _____, 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

AUDITOR & RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA }
WOODBURY COUNTY } ss DOCKET NO. _____ FILED FOR RECORD, THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____ M. RECORDED IN PLAT ENVELOPE _____ INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

PATRICK F. GILL
WOODBURY COUNTY AUDITOR & RECORDER
BY: DIANE SMOBCA PETERSON, DEPUTY

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON ROLL _____ AND PAGE _____ OF THE WOODBURY COUNTY RECORDER'S OFFICE.

DEDICATION

THE EDWIN O. NIEMEYER REVOCABLE TRUST IS THE 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 BY THIS SURVEYOR AS IS FULLY SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF DEDICATION. SAID SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____ IOWA THIS _____ DAY OF _____, 20____

MARILYN NIEMEYER, TRUSTEE OF THE
EDWIN O. NIEMEYER REVOCABLE TRUST

STATE OF IOWA }
WOODBURY COUNTY } ss

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR SAID STATE OF IOWA, PERSONALLY APPEARED MARILYN NIEMEYER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DID SAY THAT THE PERSON IS THE TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST, THE TRUSTEE ACKNOWLEDGED EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE TRUST BY IT AND BY THE TRUSTEE VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

TITLE OPINION

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)(c) to property which includes in its entirety property described in the legal description on the plat of Niemeyer Addition a Minor Subdivision in Woodbury County, Iowa last certified by Engstrom Abstract Co., Inc.

dated _____, 2023 at 8:39 a.m. and from said abstract find good and merchantable title to said premises vested in Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, subject to the following liens, limitations and exceptions:

1. A Right of Way Agreement in favor of Sicoory-Vocum Oil Company, Inc., dated May 6, 1941, filed August 6, 1941, in Book 154, Page 165, and assigned to Mogrovia Pipe Line Company, dated November 30, 1958, filed January 25, 1960, in Book 527, Page 190.
2. A Right of Way Agreement in favor of Iowa Public Service Company, dated February 27, 1959, filed April 21, 1959, in Book 909, Page 434.
3. A Right of Way Easement in favor of Woodbury County Rural Electric Cooperative Association, dated August 23, 1976, filed August 30, 1976, in Roll 53, Image 1694.
4. A Right of Way and Easement Agreement, dated March 20, 1990, filed April 20, 1990, in Roll 229, Image 227, as shown on the plat.

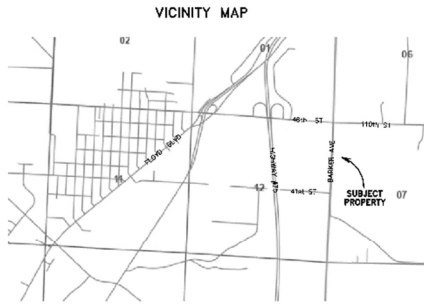
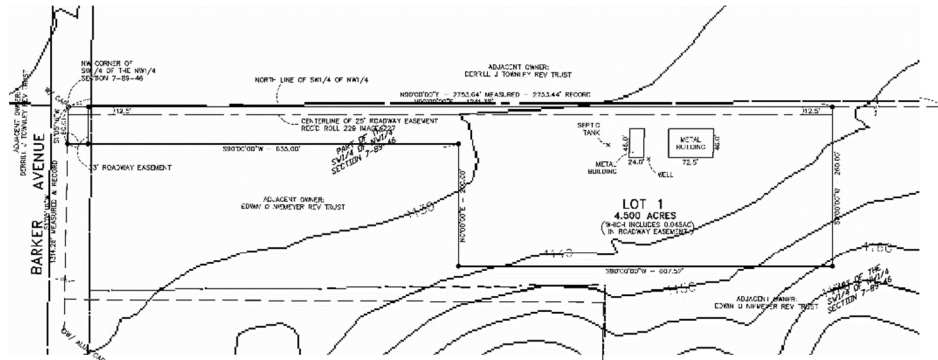
5. All certified real estate taxes and special assessments due and payable have been paid. Real estate taxes and special assessments not certified are a lien in an undetermined amount.

DATED: _____, 2023

ALEX S. BERENSTEIN
ATTORNEY AT LAW

PREPARED BY
MLS & ASSOCIATES, PLC
703 DOUGLAS STREET
SIOUX CITY, IOWA 51101
(712) 258-6844
MLSSURVEYING@GMAIL.COM

TOPOGRAPHIC MAP OF
NIEMEYER ADDITION
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



LEGAL DESCRIPTION

41.301 feet of the Southeast 1/4 of the Northwest 1/4 of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:
 Beginning at the Northwest corner of said Southwest 1/4 of the Northwest 1/4 of said Section 7; thence North 90° 00' 00" West along the North line of said Southwest 1/4 of the Northwest 1/4 to 1741.38 feet thence South 89° 00' 00" East for 265.00 feet, thence North 90° 00' 00" West for 107.52 feet, thence West 90° 00' 00" East for 200.00 feet, thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4, thence North 7° 00' 00" East along said West line for 822.1 feet to the point of beginning.
 Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

OWNERS & SURVEYORS:
 EDWIN G. NIEMEYER & ASSOCIATES, P.L.C.
 4125 PEARSON DRIVE
 SOULX CITY, IA 51104

LAND SURVEYOR:
 DOUGLAS J. WOODBURY
 MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SOULX CITY, IOWA

SCALE: 1" = 100'
 0 100 200
 SHEET 1 OF 2

LEGEND

- INDICATES FOUND BOUND
- UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2", 30" HIGH
 PIN W/ CAP PUBLIC

COUNTY: WOODBURY
 SECTION: 7 TOWNSHIP: 89N RANGE: 46W
 ALIQUOT PART: SW 1/4 OF NW 1/4
 QTR: SUBDIVISION: NIEMEYER ADDITION
 BLOCK: LOT: 1
 PROMOTER: EDWIN G. NIEMEYER REVOC TRUST
 REQUESTED BY: ALEX BERNESTEN

PREPARED BY
MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SOULX CITY, IOWA 51101
 (712) 258-8844
 MLSSURVEYING@GMAIL.COM

NOTES

- ZONING DISTRICT:
 RP - RESIDENT RURAL PRR39-NW1/4
- CLUB REGULATIONS:
 MINIMUM LOT AREA: 500'
 MINIMUM LOT SIZE: 2 ACRES
 MINIMUM FRONT YARD: 100'
 SIDE YARD: 10' OR 25' DEPENDING ON USE
 MINIMUM REAR YARD: 50'
- DEVELOPMENT ON USE:
 MAXIMUM HEIGHT: 40'
 MAXIMUM STORIES: 10 UNIT
- OTHER REGULATIONS APPLY BY SUBDIVISION ORDINANCES FOR DETAILS
- LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS
- ELECTRICAL: WOODBURY COUNTY REC
 1400 HUNTER AVE.
 METALL: OWN SHOW
- TELEPHONE: LOT PRESIDENT
 NOT SERVED BY LANDLINE
 PHONE SERVICE
- TOTAL AREA IN ADDITION: 4.500 ACRES

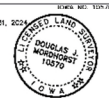
CERTIFICATION

I, DOUGLAS J. WOODBURY, A FULLY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 1014, DO HEREBY CERTIFY THAT THE PLAT IS TRUE AND CORRECT, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS ACCURATE AND COMPREHENSIVE TO THE ENTIRETY OF THE ATTACHED DESCRIBED PROPERTY.

DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT CORNERS IN THE ADJACENT PLATS THAT THE SAME ARE OF THE DIMENSIONS, BEARINGS, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT THE CORNERS ARE SHOWN AT EACH CORNER OF SAID LOT AS NOTED ON SAID PLAT.

DATE: 17 FEBRUARY 10, 2023

DOUGLAS J. WOODBURY
 LICENSE NUMBER 1014
 MY CEASE GENERAL DATE IS DECEMBER 31, 2024
 2 SHEETS COMPOSED BY THIS PLAT
 PLAT DATE: FEBRUARY 10, 2023





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 – APRIL 19, 2023

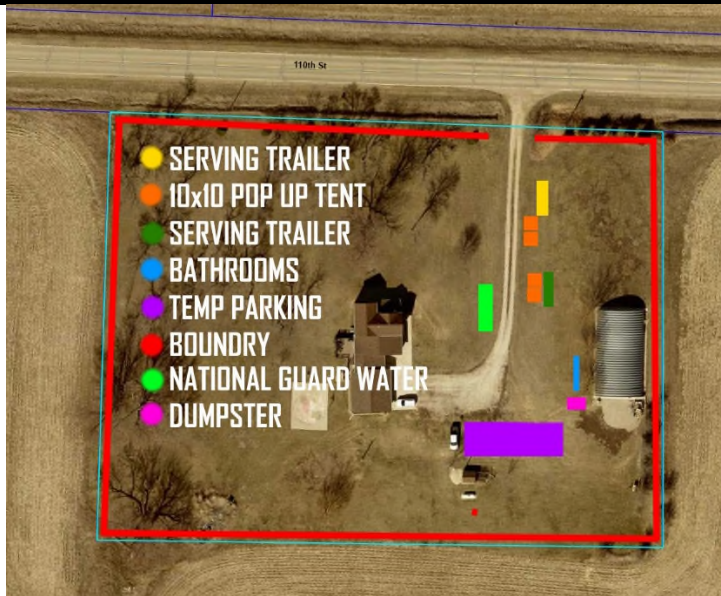
VENDOR ALCOHOL SALES – CONDITIONAL USE PERMIT PROPOSAL

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
Owner/Applicant(s): Chad & Tara Schmitt / Backpocket Brewing Application Type: Conditional Use Permit – Ragbrai Alcohol Sales Zoning District: Agricultural Preservation (AP) Total Acres: 3.49 Current Use: Proposed Use: Residential Pre-application Meeting: None Application Date: March 3, 2023 Legal Notice Date: April 15, 2023 Stakeholders' (500') Letter Date: April 14, 2023 Zoning Commission Review Date: April 24, 2023 Board of Adjustment Public Hearing Date: May 1, 2023	Parcel(s): 894407100006 Township: T89N R44W (Arlington) Section: 7 Quarter: NW ¼ Zoning District: Agricultural Preservation (AP) Floodplain District: Zone X (Not in Floodplain) Address: 2590 110 th St., Merville, IA 51039	<input type="checkbox"/> Summary, Recommendation, Aerial & Proposed Area <input type="checkbox"/> Review Criteria <input type="checkbox"/> Applicant Comments <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

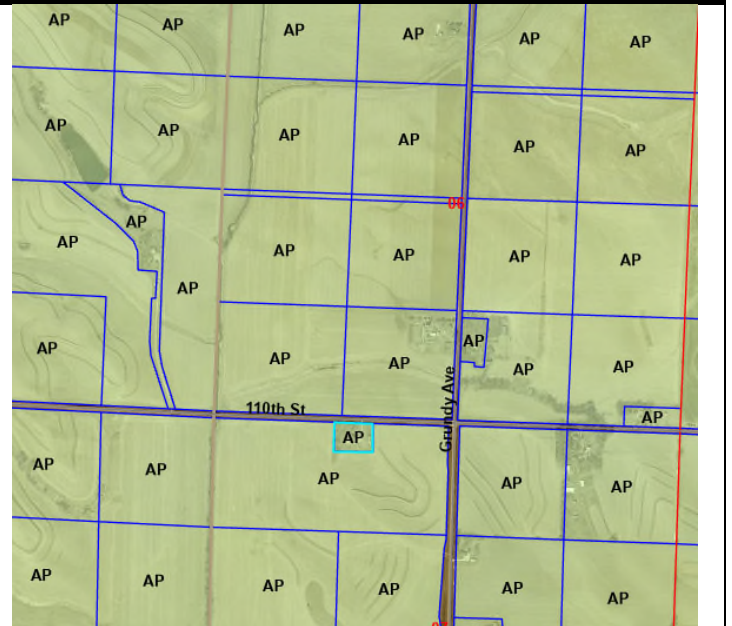
SUMMARY

Backpocket Brewing (Applicant) and property owners Chad and Tara Schmitt have filed for a Conditional Use Permit application to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is on Parcel #894407100006 as referenced above. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Woodbury County Board of Supervisors approved Ordinance #69, effective November 16, 2022, authorizing this request as a conditional use in the AP District. 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.

SITE PLAN



AERIAL VIEW



STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit to allow the sales of alcohol on Parcel #894407100006 only during the Special Event of RAGBRAI on July 23, 2023 with the condition that the property owner/applicant shall obtain all necessary federal, state and local permits including, but not limited to liquor licensing.

Suggested Motion:

Motion to recommend approval of the conditional use permit to allow the sales of alcohol only during the Special Event of RAGBRAI on July 23, 2023 with the condition that the property owner/applicant shall obtain all necessary federal, state and local permits including, but not limited to liquor licensing. The permit shall terminate at 11:59 PM CT on July 23, 2023.

Conditional Use Permit request is to sell alcohol during RAGBRAI's visit through Woodbury County on July 22, 2023. The proposed sales site is at 2590 110th Street, Moville, IA 51039 on Parcel #894407100006. The parcel is located in T89N R44W (Arlington Township), Section 7, in the NW ¼. The property is located approximately 3.5 miles north of Moville. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Chad and Tara Schmit, 2590 110th St., Moville, IA 51039; Backpacket Brewing (Aaron Vargas or Steve Linn), 903 Quarry Road, Coralville, IA 52241.

Item Two (2)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider a variance application from property owner(s), Jerod and Kayla Eickholt. The variance request is to build an approximately 40' x 60' accessory pole barn (shed) prior to building a principal structure (single-family dwelling). Section 4.12.2 of the Woodbury County Zoning Ordinance requires that "no accessory building shall be constructed upon a lot until the construction of the principal building has commenced..." (p. 45). The property owners have filed this variance to request relief from the requirement that the principal structure (house) must be built before the accessory structure (shed) due to a delay with the contractor. The property is designated as Parcel #884724300011 and is located on Lot 1 of the Davis Estates Subdivision in T88N R47W (Woodbury Township), Section 24. The property is located in the Agricultural Estates (AE) Zoning District and is not located in the floodplain. This property is located approximately 2.1 miles east of Sioux City and 2.7 miles west of Bronson. The property owner(s)/applicant(s) are Jerod and Kayla Eickholt, 2724 S. Martha St., Sioux City, IA 51108.

Item Three (3)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher of Mosher Landscaping (Applicant). The Conditional Use Permit request is to use the property located at 1130 Barker Ave., Sioux City, IA 51108 on a 4.5-acre portion of Parcel #894607100006, for landscaping, a nursery, and other uses. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the Agricultural Preservation (AP) Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution (application, and other related uses to a landscaping business). The parcel is located in T88N R46W (Concord Township), Section 7, in the SW ¼ of the NW ¼. The property directly abuts the Sioux City corporate boundary and is located on the east side of Barker Avenue. The property is located in the AP Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, 4250 Fremar Dr., Sioux City, IA 51104; Sid Mosher of Mosher Landscaping, PO Box 1311, Sioux City, IA 51102.

Item Four (4)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Eric Hennings (Ownership of Parcel #884704200001 and Parcel #884704200003) and JB Holland Construction, Inc. (Applicant); and Donald Hennings of the Hennings Joint Trust (Ownership of Parcel #884702100006) and JB Holland Construction, Inc. (Applicant). The Conditional Use Permit request is to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001 and Parcel #884704200003 (West Borrow Area) and Parcel #884702100006 (East Borrow Area). The West Borrow Area is located in T88N R47W, Section 4, on Government Lot 1 & 5. The East Borrow Area is located in T88N R47W, Section 2, on Government Lot 2. The parcels are located on the south side of Highway 20 and east of the Hwy 75/Hwy 20 interchange. Each parcel is currently used as farm ground. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the Special Flood Hazard Area

(floodplain). Owner(s)/Applicant(s): Eric Hennings, 1400 W. 1st St., Sioux City, IA 51103; JB Holland Construction, Inc., 2082 State Hwy 9, Decarah, IA 52101 (West Borrow Area); Donald Hennings of the Hennings Joint Trust, 1970 Garner Ave., Moville, IA 51039; JB Holland Construction, Inc., 2082 State Hwy 9, Decarah, IA 52101 (East Borrow Area).

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NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY BOARD OF ADJUSTMENT

The Woodbury County Board of Adjustment will hold public hearings on the following items hereafter described in detail on May 1, 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, Woodbury 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: 285 965 578# 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 Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Backpacket Brewing (Applicant) and property owners Chad and Tara Schmitt. The

PROPERTY OWNER(S) NOTIFICATION

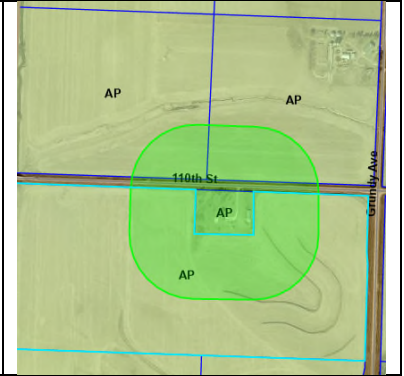
The **three (3)** property owners within 500 FT; and listed within the certified abstractor's affidavit; were notified by an **April 14, 2023** letter of the public hearing before the Woodbury County Board of Adjustment on **May 1, 2023**

As of **the printing of this packet**, the Community and Development office has received:

- 0 Phone Inquiries
- 0 Written 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)	Mailing Address					Comments
Chad L. Schmitt and Tara A. Schmitt	2590 110th St.	Moville	IA	51039	No comments.	
Charles H. Montange	426 NW 162nd St.	Seattle	WA	98177	No comments.	
Earl E. Maxwell	123 2nd St. S	Moville	IA	51039	No comments.	

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I believe I've commented on all of these. We shouldn't have any issues with any of the proposals. – Casey Meinen, 4/11/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed the location of this temporary alcohol sales during RAGBRAI. It is not near or adjacent to any NIPCO facilities. NIPCO has no objections to this request. – Jayme Huber, 4/6/23. Have reviewed these five zoning requests, NIPCO has no facilities at or adjacent to these locations. NIPCO has no issues with these requests. – Jeff Zettel, 4/12/23.
NUSTAR PIPELINE:	No comments.
SIOUXLAND 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:	I have no comments on, or concerns with, this conditional use permit. – Mark Nahra, 4/6/23.
WOODBURY COUNTY RECORDER:	I see no issues. Thank you. – Diane Swoboda Peterson, 4/6/23..
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SHERIFF:	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this conditional use permit request. – Neil Stockfleth, 4/5/23.

ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

REQUESTING A CONDITIONAL USE PERMIT FOR THE DAY RAGBRAI PASSES 2590 110TH ST MOVILLE, IA 51039 ON SUNDAY, JULY 23RD. WE PLAN TO SELL ALCOHOL (BEER ONLY, NO LIQUOR) AS WELL AS FOOD AND NA DRINKS. WE SELECTED THIS LOCATION AS AN OASIS OF SORTS WITH IT BEING HALF WAY BETWEEN LEAVING SIOUX CITY AND KINGSLEY THE RIDERS WILL NEED A REST AND THIS YARD WILL PROVIDE IT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

- 1. Maps
 - a. See attachment

CRITERIA 1:

The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

THE AP ZONING ALLOWS FOR A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOL ALONG RAGBRAI PER THE UPDATED ORDINANCE - Woodbury County Zoning Ordinance Section 2.02-9-C. WE HAVE SUBMITTED A DETAILED DIAGRAM, APPLIED FOR A ALCOHOL LICENSE, AND OBTAINED A CERTIFIED ABSTRACT LISTING OF ALL LANDOWNERS WITHIN 500 FEET.

Staff Analysis:

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance includes the Agricultural Preservation (AP) Zoning District as a location authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

CRITERIA 2:

The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

THE ORDINANCE ALLOWS FOR THE SALE OF ALCOHOL ALONG THE RAGBRAI ROUTE ZONED AP. WE HAVE MET ALL OF THE REQUIREMENTS AS STATED ABOVE FOR THIS ORDINANCE. THE ORDINANCE ALLOWS FOR THE TEMPORARY SALE OF FOOD AND NON-ALCOHOL BEVERAGES AND ALLOWS THE OPPORTUNITY TO APPLY FOR A CONDITIONAL USE PERMIT TO SELL ALCOHOL. THIS REQUEST MAY ALSO BE COMPATIBLE WITH THE COUNTY'S GENERAL DEVELOPMENT PLAN. SECTION 6.4 OF THE PARKS & REC POLICY MENTIONS THE DESIRE TO "SUPPORT AREA HISTORICAL AND CULTURAL ACTIVITIES".

Staff Analysis:

The Zoning Ordinance facilitates the opportunity for applications for conditional use permits for the sales of alcohol only during the special event of RAGBRAI. Staff concurs with the applicant's citation of Park and Recreational Policy 6.4 for the support of historical and cultural activities. RAGBRAI is an event recognized around the world that puts Iowa, and in this case Woodbury County, on the map. The opportunity to provide services including the sales of food and beverages (both non-alcohol and alcohol) offers the bikers while moving through Woodbury County ,the opportunity to take a break, socialize, and to enjoy the beautiful rural landscape.

CRITERIA 3:

The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

RAGBRAI ON ITS OWN WILL AFFECT THE TRAFFIC PATTERNS FOR THE DAY. VISITORS THAT DO STOP AT OUR LOCATION WILL STAY FOR 30-45 MINUTES AND BE ON THEIR WAY. WE EXPECT TO BE SHUT DOWN BY STATE TROOPERS BY 1 PM DUE TO THE EARLY LOCATION ON THE ROUTE. AT THAT POINT WE WILL STOP SERVING ALCOHOL AND THE RIDERS WILL BE CLEARED FROM THE YARD (THIS HAPPENS DAILY). THE 3 NEAREST HOUSES ARE .28, .35 & .45 MILES AWAY AS THE CROW FLIES. THEY WILL NOT HEAR OR VISUALLY BE ABLE TO SEE THE PROPERTY DUE TO HILLS IN THE AREA. AS OUR SITE PLAN SHOWS ALL VENDORS ARE AWAY FROM THE RIGHT OF WAY. RIDERS WILL PARK THEIR BIKE IN THE YARD, GRAB SOME FOOD, AND A BEER IF THEY WOULD LIKE TO AND SIT IN THE SHADE ALL LOCATED OFF THE RITE OF WAY. WE HAVE STAFF THAT CONSTANTLY MONITORS THE CROWD FOR ANY ISSUES THAT MAY ARISE (WE HAVE NEVER HAD ANY). WE ARE ALSO REQUIRED TO OBTAIN A ALCOHOL LICENSE AND FOLLOW RULES TO OPERATE AS WELL AS A FOOD PERMIT TO ENSURE SANITARY SAFETY IS ALSO TAKING PLACE. WE HAVE BEEN IN OVER 100 YARDS AND OPERATED AT THE IOWA STATE FAIR AND OVER 50 OTHER EVENTS. WE HAVE NEVER HAD AN INCIDENT OF ANY KIND AND EXPECT NOTHING DIFFERENT ON THIS LOCATION. OUR LOCATION WILL BE CONSIDERED A SAFETY REST STOP DUE TO THE HILLS AND HEAT. SO MUCH THAT THE NATIONAL GUARD IS PLANNING TO BE AT OUR LOCATION HANDING OUT DRINKING WATER.

Staff Analysis:

This proposal will have a temporary impact on the neighborhood during the RAGBRAI timeframe. All activity must be conducted on the property and not encroach into the right-of-way. The applicants must ensure the site is properly cleaned up and no debris is found in the right-of-way. All federal, state, local requirements concerning alcohol sales/licensing and expectations must be met.

CRITERIA 4:

The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

THIS CONDITIONAL USE PERMIT IS TEMPORARY (LESS THAN 24 HOURS). THE TIMEFRAME FOR THE ACTUAL EVENT WILL BE FROM 8AM-1PM ON SUNDAY JULY 23RD. UPON SHUT DOWN WE WILL REMOVE ALL TEMPORARY STRUCTURES FROM THE PROPERTY THAT DAY, WITH THE EXCEPTION OF THE DUMPSTER. THE DUMPSTER WILL BE REMOVED WITHIN THE NEXT 2 DAYS AS THE LOCAL TRASH COMPANY IS ABLE TO GET TO IT WE WALK THE ENTIRE YARD AND DITCHES FOR 1/4 MILE PICKING UP ANY TRASH WE FIND, EVEN IF IT IS NOT FROM OUR EVENT THE NEIGHBORHOOD AFTER WE LEAVE WILL NOT EVEN BE ABLE TO TELL WE WERE THERE. THE 6 PORTA POTIES AND DUMPSTER WILL ENSURE THERE IS NO TRASH OR WASTE LEFT ON SITE.

Staff Analysis:

This proposal will have a temporary impact on the neighborhood during the RAGBRAI timeframe. All activity must be conducted on the property and not encroach into the right-of-way. The applicants must ensure the site is properly cleaned up and no debris is found in the right-of-way. All federal, state, local requirements concerning alcohol sales/licensing and expectations must be met.

CRITERIA 5:

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

THE ROAD WILL BE ESSENTIAL AND PROVIDE A MEANS TO ACCESS THE LOCATION VIA BIKE. WE ARE NOT A LOCATION THAT WILL SEE VEHICLE TRAFFIC (CUSTOMERS). WE DISCOURAGE IT AND NEVER POST OUR ACTUAL ADDRESSES, JUST GENERAL AREAS ON THE ROUTE. BIKE CUSTOMERS ARE ALL THAT WE HAVE THAT DAY. WE ALSO PROVIDE 6 PORTA POTTIES, DUMPSTER, AND 15 GARBAGE CANS IN THE YARD. WE HAVE FOUND OVER THE YEARS THAT THIS IS AN ADEQUATE NUMBER FOR OUR CROWDS. ELECTRICITY IS NOT A CONCERN AS WE PROVIDE OUR OWN. THE DUMPSTER IS COLLECTED AFTER THE EVENT AND THE 6 PORTA POTTIES ARE REMOVED THAT EVENING.

Staff Analysis:

The property appears to be suitable for the proposed conditional use. This proposal will have a temporary impact on the neighborhood during the RAGBRAI timeframe. All activity must be conducted on the property and not encroach into the right-of-way. The applicants must ensure the site is properly cleaned up and no debris is found in the right-of-way. All federal, state, local requirements concerning alcohol sales/licensing and expectations must be met.

CRITERIA 6:

The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

NO DAMAGE OR ALTERING OF THE LANDSCAPE WILL TAKE PLACE. THIS IS A 24 HOUR EVENT AND THE PROPERTY WILL BE RETURNED TO AS FOUND CONDITION BEFORE WE LEAVE ON THE EVENING OF SUNDAY, JULY 23RD.

Staff Analysis:

No major adverse effect upon any significant natural, scenic or historic features of the subject property or adjacent properties is expected. This proposal will have a temporary impact on the neighborhood during the RAGBRAI timeframe. All activity must be conducted on the property and not encroach into the right-of-way. The applicants must ensure the site is properly cleaned up and no debris is found in the right-of-way. The property and area shall be left in the same condition in which it was found.

OTHER CONSIDERATION 1:

The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

This temporary event, at the proposed location, offers RAGBRAI participants the opportunity to take a break while on the route.

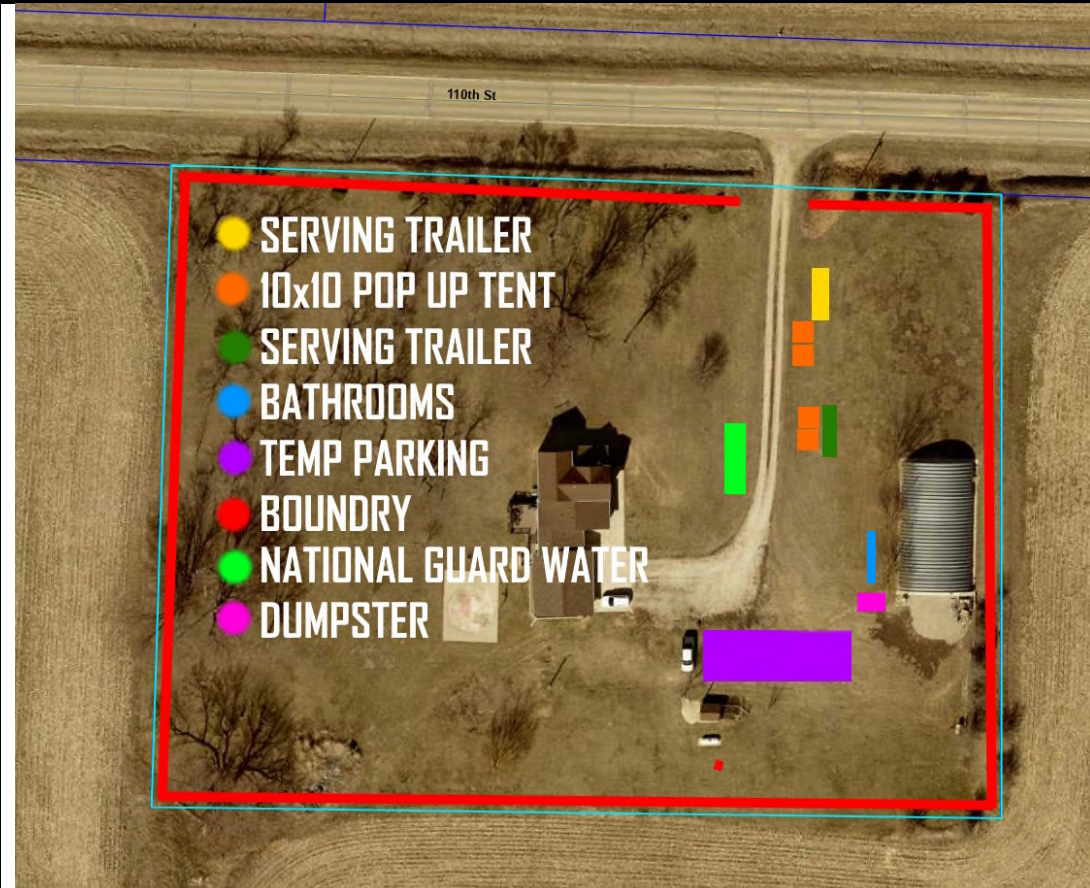
OTHER CONSIDERATION 2:

All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

Temporary event. No anticipated development.

SITE PLAN



PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE: (Tab at the end of each line to continue)

REQUESTING A CONDITIONAL USE PERMIT FOR THE DAY RAGBRAI PASSES 2590 110TH ST MOVILLE, IA 51039 ON SUNDAY, JULY 23RD. WE PLAN TO SELL ALCOHOL (BEER ONLY, NO LIQUOR) AS WELL AS FOOD AND NA DRINKS. WE SELECTED THIS LOCATION AS AN OASIS OF SORTS WITH IT BEING HALF WAY BETWEEN LEAVING SIOUX CITY AND KINGSLEY THE RIDERS WILL NEED A REST AND THIS YARD WILL PROVIDE IT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

THE AP ZONING ALLOWS FOR A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOL ALONG RAGBRAI PER THE UPDATED ORDINANCE - Woodbury County Zoning Ordinance Section 2.02-9-C. WE HAVE SUBMITTED A DETAILED DIAGRAM, APPLIED FOR A ALCOHOL LICENSE, AND OBTAINED A CERTIFIED ABSTRACT LISTING OF ALL LANDOWNERS WITHIN 500 FEET.

- (b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. (Tab at the end of each line to continue)

THE ORDINANCE ALLOWS FOR THE SALE OF ALOCOHOL ALONG THE RAGBRAI ROUTE ZONED AP. WE HAVE MET ALL OF THE REQUIREMENTS AS STATED ABOVE FOR THIS ORDINANCE. THE ORDINANCE ALLOWS FOR THE TEMPORARY SALE OF FOOD AND NON-ALOCOHOL BEVERAGES AND ALLOWS THE OPPORTUNITY TO APPLY FOR A CONDITIONAL USE PERMIT TO SELL ALCOHOL. THIS REQUEST MAY ALSO BE COMPATIBLE WITH THE COUNTYS GENERAL DEVELOPMENT PLAN. SECTION 6.4 OF THE PARKS & REC POLICY MENTIONS THE DESIRE TO "SUPPORT AREA HISTORICAL AND CULTURAL ACTIVITIES".

- (c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Tab at the end of each line to continue)

RAGBRAI ON ITS OWN WILL AFFECT THE TRAFFIC PATTERNS FOR THE DAY.

VISITORS THAT DO STOP AT OUR LOCATION WILL STAY FOR 30-45 MINUTES AND BE ON THEIR WAY. WE EXPECT TO BE SHUT DOWN BY STATE TROOPERS BY 1PM DUE TO THE EARLY LOCATION ON THE ROUTE.

AT THAT POINT WE WILL STOP SERVING ALCOHOL AND THE RIDERS WILL BE CLEARED FROM THE YARD (THIS HAPPENS DAILY).

THE 3 NEAREST HOUSES ARE .28, .35 & .45 MILES AWAY AS THE CROW FLIES. THEY

WILL NOT HEAR OR VISUALLY BE ABLE TO SEE THE PROPERTY DUE TO HILLS IN THE AREA. AS OUR SITE PLAN SHOWS ALL

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WE HAVE STAFF THAT CONSTANTLY MONITORS THE CROWD FOR ANY ISSUES

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LOCATION WILL BE CONSIDERED A SAFETY REST STOP DUE TO THE HILLS AND HEAT. SO MUCH THAT

THE NATIONAL GUARD IS PLANNING TO BE AT OUR LOCATION HANDING OUT DRINKING WATER.

- (d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Tab at the end of each line to continue)

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WILL ENSURE THERE IS NO TRASH OR WASTE LEFT ON SITE.

- (e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

THE ROAD WILL BE ESSENTIAL AND PROVIDE A MEANS TO ACCESS THE LOCATION VIA BIKE. WE ARE NOT A LOCATION THAT WILL SEE VEHICLE TRAFFIC (CUSTOMERS). WE DISCOURAGE IT AND NEVER POST OUR ACTUAL ADDRESSES, JUST GENERAL AREAS ON THE ROUTE. BIKE CUSTOMERS ARE ALL THAT WE HAVE THAT DAY. WE ALSO PROVIDE 6 PORTA POTTIES, DUMPSTER, AND 15 GARBAGE CANS IN THE YARD. WE HAVE FOUND OVER THE YEARS THAT THIS IS AN ADEQUATE NUMBER FOR OUR CROWDS. ELECTRICITY IS NOT A CONCERN AS WE PROVIDE OUR OWN. THE DUMPSTER IS COLLECTED AFTER THE EVENT AND THE 6 PORTA POTTIES ARE REMOVED THAT EVENING.

- (f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (Tab at the end of each line to continue)

NO DAMAGE OR ALTERING OF THE LANDSCAPE WILL TAKE PLACE.

THIS IS A 24 HOUR EVENT AND THE PROPERTY WILL BE RETURNED TO AS FOUND CONDITION BEFORE WE LEAVE ON THE EVENING OF SUNDAY, JULY 23RD.

**CONDITIONAL USE PERMIT APPLICATION
INSTRUCTIONS AND DOCUMENTATION REQUIRED**

WOODBURY COUNTY ZONING ORDINANCE 2.02-9-C REQUIRES THE FOLLOWING DOCUMENTATION BE SUBMITTED AS PART OF A CONDITIONAL USE PERMIT APPLICATION:

1. SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE.
2. MAPPING DRAWN TO SCALE SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS WITH THE PROPOSED CONDITIONAL USE IDENTIFIED THEREON.
3. A STATEMENT IN RESPONSE TO THE CRITERIA AND STANDARDS FOR APPROVAL OF CONDITIONAL USE WITHIN SUBSECTION 2.02-9.F OF WOODBURY COUNTY ZONING ORDINANCES.
4. A CERTIFIED ABTRACTOR'S LISTING OF NAMES AND MAILING ADDRESSES OF ALL OWNERS OF REAL PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT PROPERTY.
5. A FILING FEE OF \$300.00 PAYABLE TO THE WOODBURY COUNTY TREASURER

*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.

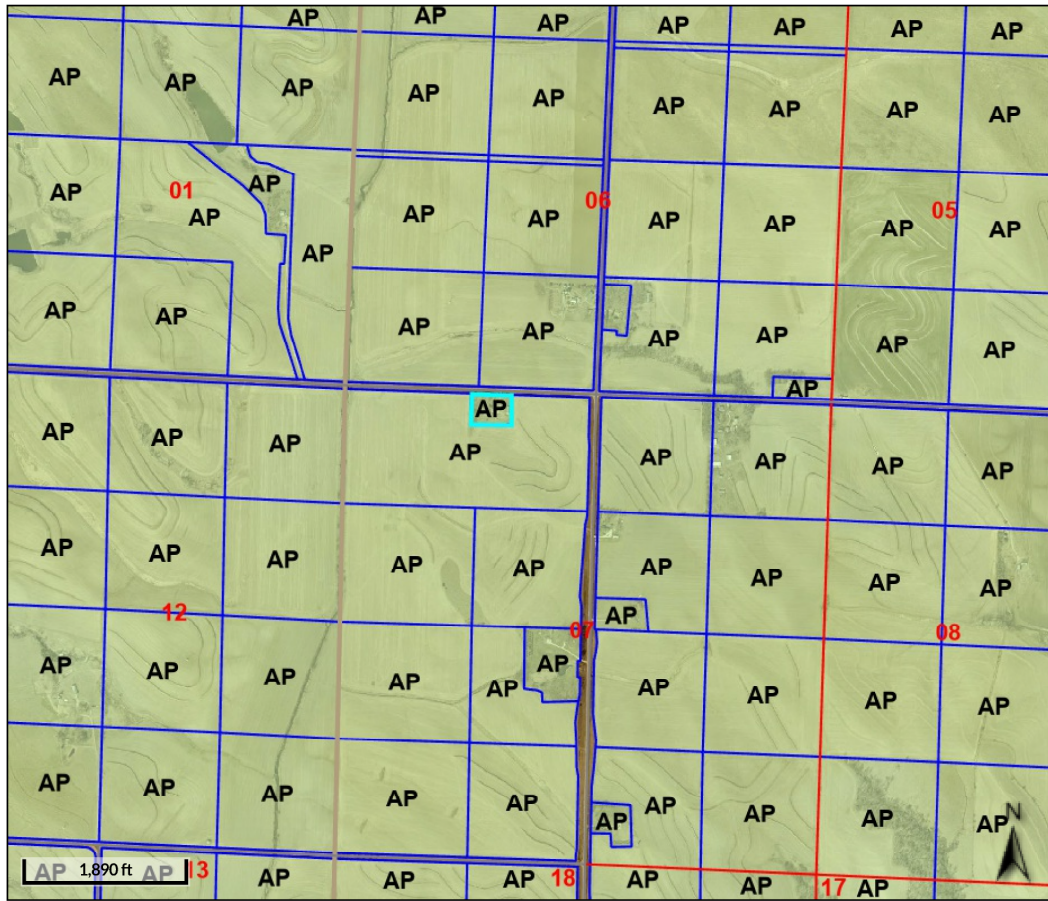
APPLICATIONS RECEIVED WITHOUT ALL THE AFOREMENTIONED DOCUMENTATION WILL BE RETURNED.

The Steps taken within the conditional use permit process are as follows:

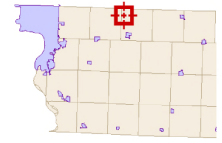
1. Application for conditional use permit is filed with Planning and Zoning Office
2. Application is placed upon the Zoning Commission agenda for review and recommendation.
3. Zoning Commission submits findings and recommendation report to the Board of Adjustment.
4. The Board of Adjustment holds a public hearing.
5. Board of adjustment renders decision on conditional use application based upon criteria within 2.02-9.F

The Woodbury County Zoning Commission meets on the 4th Monday of each month. The Woodbury County Board of Adjustment meets on the 1st Monday of each month. The conditional use permit application filing deadline is the 1st day of the month to be placed upon that month's Zoning Commission meeting agenda. See attached the specific ordinances referred to within this conditional use permit application.















 **Beacon™** Woodbury County, IA / Sioux City



Overview



Legend

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

Parcel ID	894407100006	Alternate ID	855202	Owner Address	SCHMITT CHAD L & TARA A
Sec/Twp/Rng	7-89-44	Class	R		2590 110TH ST
Property Address	2590 110TH ST	Acres	3.49		MOVILLE, IA 51039
	MOVILLE				
District	0049				
Brief Tax Description	ATCT COM NE COR NE NW1/4 THEC W 955' TO POB; THEC S 377' W 456.31' N 377.91' & E 444.34' N1/2 NW1/4 7-89-44				
	(Note: Not to be used on legal documents)				

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PARCEL REPORT

4/4/23, 12:12 PM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 894407100006

Beacon™ Woodbury County, IA / Sioux City

Summary

Parcel ID 894407100006
Alternate ID 855202
Property Address 2590 110TH ST
 MOVILLE IA 51039
 7-89-44
Sec/Twp/Rng 7-89-44
Brief A TCT COM NE COR NE NW1/4 THEC W 955' TO POB; THEC S 377' W 456.31' N 377.91' & E 444.34' N1/2
Tax Description NW1/4 7-89-44
 (Note: Not to be used on legal documents)
Deed Book/Page 710-730 (5/6/2010)
Gross Acres 3.49
Net Acres 3.49
Adjusted CSR Pts 0
Zoning AP - AGRICULTURAL PRESERVATION
District 0049 ARLINGTON/WD-C
School District WOODBURY CENTRAL
Neighborhood N/A



Owner

Deed Holder
 Schmitt Chad L & Tara A
 2590 110th St
 Merville IA 51039
Contract Holder
Mailing Address
 Schmitt Chad L & Tara A
 2590 110th St
 Merville IA 51039

Land

Lot Area 3.49 Acres ; 152,024 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 2 Story Frame
Architectural Style N/A
Year Built 1924
Condition Very Good
Roof Asph / Gable
Flooring
Foundation C Blk
Exterior Material Vinyl
Interior Material Drwl
Brick or Stone Veneer
Total Gross Living Area 2,257 SF
Main Area Square Feet 704
Attic Type None;
Number of Rooms 7 above; 4 below
Number of Bedrooms 3 above; 2 below
Basement Area Type Full
Basement Area 1,553
Basement Finished Area 1,500 - Minimal Finish
Plumbing 1 Standard Bath - 3 Fi; 3 Shower Stall Bath -3; 1 Lavatory;
Appliances
Central Air Yes
Heat FHA - Electric
Fireplaces 1 Gas;
Porches 1S Frame Enclosed (200 SF);
Decks Vinyl/CompoDeck (256 SF);
Additions 1 Story Frame (849 SF) (849 Bsmt SF);
Garages 840 SF - Att Frame (Built 2010);

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
	Steel Utility Building		40	68	2008	1
	Shed		0	0	2010	2

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
5/6/2010	KUNKEL ALAN & VIVIAN	SCHMITT CHAD L & TARA A	710/730	Normal	Deed		\$125,000.00
9/21/2002	MONTAGNE CHARLES	KUNKEL ALAN & VIVIAN	555/1191	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$30,000.00

Permits

Permit #	Date	Description	Amount
5289	06/14/2010	Garage	18,000
4942	08/31/2007	New Bldg	10,000
4212	04/29/2003	Addition	20,000

Valuation

	2023	2022	2021	2020	2019
Classification	Residential	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$43,000	\$43,000	\$43,000	\$46,010	\$46,010
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$288,190	\$220,210	\$220,210	\$193,730	\$193,730
= Gross Assessed Value	\$331,190	\$263,210	\$263,210	\$239,740	\$239,740
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$331,190	\$263,210	\$263,210	\$239,740	\$239,740

Sioux City Special Assessments and Fees

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

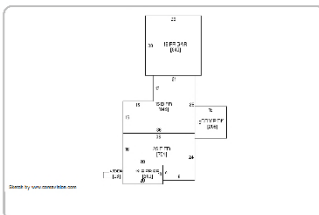
Woodbury County Tax Credit Applications

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

Photos



Sketches



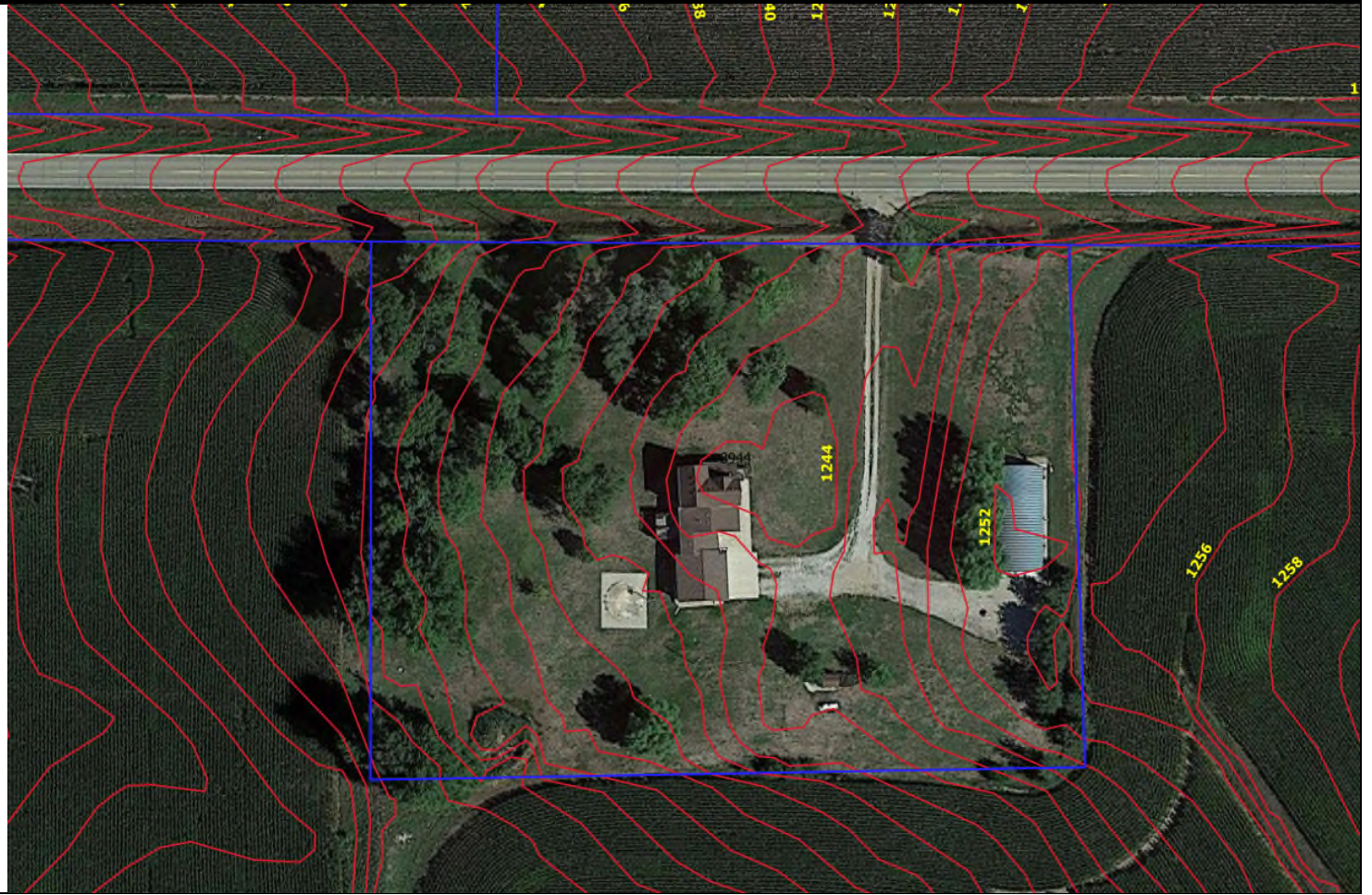
No data available for the following modules: Commercial Buildings, Yard Extras, Sioux City Tax Credit Applications, Sioux City Board of Review Petition.



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ELEVATION MAP





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

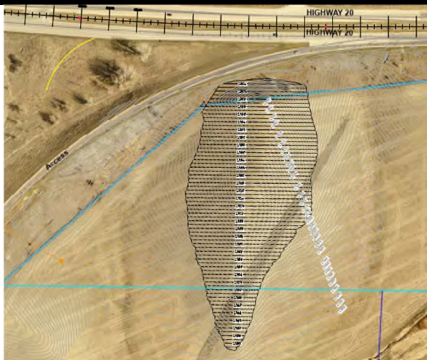
PRELIMINARY REPORT – APRIL 19, 2023 TEMPORARY BORROW PITS – CONDITIONAL USE PERMIT PROPOSAL

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p>BORROW AREA #1 Owner/Applicant(s): Eric Hennings / JB Holland Construction, Inc. Application Type: Conditional Use Permit – Temporary Borrow Site to remove earthen materials Zoning District: Agricultural Preservation (AP) Total Acres: 19.3 Current Use: Crop Land Proposed Use: Cropland</p> <p>BORROW AREA #2 Owner/Applicant(s): Hennings Joint Trust (Donald Hennings) JB Holland Construction, Inc. Application Type: Conditional Use Permit – Temporary Borrow Site to remove earthen materials Zoning District: Agricultural Preservation (AP) Total Acres: 35.63 Current Use: Crop Land Proposed Use: Cropland</p> <p>Pre-application Meeting: March 14, 2023 Application Date: March 29, 2023 Legal Notice Date: April 15, 2023 Stakeholders' (500') Letter Date: April 14, 2023 Zoning Commission Review Date: April 24, 2023 Board of Adjustment Public Hearing Date: May 1, 2023</p>	<p>BORROW AREA #1 Parcel(s): 884704200001 & 884704200003 Township: T88N R47W Section: 4 Quarter: State Government Lot 1 & 5 Zoning District: Agricultural Preservation (AP) Floodplain District: Zone X (Not in SFHA)</p> <p>BORROW AREA #2 Parcel(s): 884702100006 Township: T88N R47W Section: 2 Quarter: Government Lot 2 Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Portion in SFHA)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Summary, Recommendation, Aerial & Proposed Area <input type="checkbox"/> Review Criteria <input type="checkbox"/> Applicant Comments <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

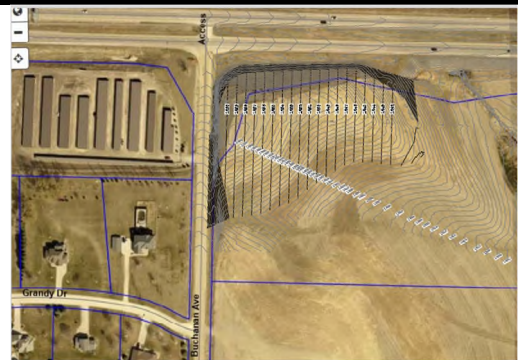
SUMMARY

JB Holland Construction, Inc. (Applicant) and property owners Eric Hennings and Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001, Parcel #884704200003 and Parcel #884702100006 as referenced above. Both parcels are located on the south side of Highway 20. Each parcel is currently used as farm ground. The proposed cut area on Parcel #884704200001 and Parcel #884704200003 is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds³. The proposed cut area on Parcel #884702100006 is 8-10 acres. The work area is 10 acres, and the total excavation for export is 100,000-150,000 yds³. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the floodplain. However, this area will not be a part of the borrow site. The applicants have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, staff recommends approval of Temporary Borrow Area #2 with the condition that an archeological study be completed for the area and approval of Temporary Borrow Area #1 with the condition that an archeological study be completed for the area and that approval is contingent on a written agreement between Magellan Midstream Partners L.P. and the property owners and applicants that the active pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended by staff to deny the application for Temporary Borrow Area #1.

BORROW AREA #1 - WEST BORROW AREA



BORROW AREA #2 - EAST BORROW AREA



STAFF RECOMMENDATION

Staff recommends approval of Borrow Area #2 with the condition that an archeological study be completed for the area. Staff recommends approval of Borrow Area #1 contingent only if Magellan Midstream Partners L.P. has entered into an agreement with the landowners and applicants allowing for the temporary removal of the pipe at that location and with the condition that an archeological study be completed for the area

Suggested Motion

A motion to recommend approval of Temporary Borrow Area #2 with the condition that an archeological study be completed for the area and approval of Temporary Borrow Area #1 with the condition that an archeological study be completed for the area and with the condition that approval is contingent on a written agreement between Magellan Midstream Partners L.P. and the property owners and applicants that the active pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended by staff to deny the application for Temporary Borrow Area #1.

LEGAL NOTIFICATION

Published in the Sioux City Journal's Legals Section on April 15, 2023.

Conditional Use Permit request is to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is at 2590 110th Street, Moville, IA 51039 on Parcel #894407100006. The parcel is located in T89N R44W (Arlington Township), Section 7, in the NW ¼. The property is located approximately 3.5 miles north of Moville. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Chad and Tara Schmitt, 2590 110th St., Moville, IA 51039; Backpocket Brewing (Aaron Vargas or Steve Linn), 903 Quarry Road, Coralville, IA 52241.

Item Two (2)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider a variance application from property owner(s), Jerod and Kayla Eickholt. The variance request is to build an approximately 40' x 60' accessory pole barn (shed) prior to building a principal structure (single-family dwelling). Section 4.12.2 of the Woodbury County Zoning Ordinance requires that "no accessory building shall be constructed upon a lot until the construction of the principal building has commenced..." (p. 45). The property owners have filed this variance to request relief from the requirement that the principal structure (house) must be built before the accessory structure (shed) due to a delay with the contractor. The property is designated as Parcel #884724300011 and is located on Lot 1 of the Davis Estates Subdivision in T88N R47W (Woodbury Township), Section 24. The property is located in the Agricultural Estates (AE) Zoning District and is not located in the floodplain. This property is located approximately 2.1 miles east of Sioux City and 2.7 miles west of Bronson. The property owner(s)/applicant(s) are Jerod and Kayla Eickholt, 2724 S. Martha St., Sioux City, IA 51106.

Item Three (3)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher of Mosher Landscaping (Applicant). The Conditional Use Permit request is to use the property located at 1130 Barker Ave., Sioux City, IA 51108 on a 4.5-acre portion of Parcel #894607100006, for landscaping, a nursery, and other uses. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the Agricultural Preservation (AP) Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. The parcel is located in T89N R46W (Concord Township), Section 7, in the SW ¼ of the NW ¼. The property directly abuts the Sioux City corporate boundary and is located on the east side of Barker Avenue. The property is located in the AP Zoning District and is not located in the floodplain. Owner(s)/Applicant(s): Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, 4250 Fremar Dr., Sioux City, IA 51104; Sid Mosher of Mosher Landscaping, PO Box 1311, Sioux City, IA 51102.

Item Four (4)

Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Eric Hennings (Ownership of Parcel #884704200001 and Parcel #884704200003) and JB Holland Construction, Inc. (Applicant); and Donald Hennings of the Hennings Joint Trust (Ownership of Parcel #884702100006) and JB Holland Construction, Inc. (Applicant). The Conditional Use Permit request is to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001 and Parcel #884704200003 (West Borrow Area) and Parcel #884702100006 (East Borrow Area). The West Borrow Area is located in T88N R47W, Section 4, on Government Lot 1 & 5. The East Borrow Area is located in T88N R47W, Section 2, on Government Lot 2. The parcels are located on the south side of Highway 20 and east of the Hwy 75/Hwy 20 interchange. Each parcel is currently used as farm ground. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the Special Flood Hazard Area

(floodplain). Owner(s)/Applicant(s): Eric Hennings, 1400 W. 1st St., Sioux City, IA 51103; JB Holland Construction, Inc., 2092 State Hwy 9, Decorah, IA 52101 (West Borrow Area); Donald Hennings of the Hennings Joint Trust, 1970 Garner Ave., Moville, IA 51039; JB Holland Construction, Inc., 2092 State Hwy 9, Decorah, IA 52101 (East Borrow Area).

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY BOARD OF ADJUSTMENT

The Woodbury County Board of Adjustment will hold public hearings on the following items hereafter described in detail on May 1, 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, Woodbury 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: 285 965 578# 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 Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by Backpocket Brewing (Applicant) and property owners Chad and Tara Schmitt. The

PROPERTY OWNER(S) NOTIFICATION – 500'

The eighteen (18) property owners within 500 FT of both borrow sites; and listed within the certified abstractor's affidavit; were notified by an April 14, 2023 letter of the public hearing before the Woodbury County Board of Adjustment on May 1, 2023.

As of the printing of this packet, the Community and Development office has received:

- 0 Phone Inquiries
- 0 Written 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.

BORROW SITE #1: PROPERTY OWNERS WITHIN 500 FOOT RADIUS

Property Owner(s)	Mailing Address		Comments		
Hennings Joint Trust	1970 Gamer Ave.	Moville	IA	51039	No comments.
RK Schmitt Properties LLC	2026 Keystone Dr.	Omaha	NE	68134	No comments.
Terry V. Swanger Revocable Trust	4274 Delacroix Ct.	San Jose	CA	95135	No comments.
Susann Magenheimer	PO Box 246	Lawton	IA	51030	No comments.
Morningside Storage LLC	4109 Gordon Dr.	Sioux City	IA	51106	No comments.
Gary & Klaren Schoorman	109 Grandy Dr.	Sioux City	IA	51106	No comments.
Pauline M. Flannery	111 Grandy Dr.	Sioux City	IA	51106	No comments.
John M. & Lorali Jackson	115 Grandy Dr.	Sioux City	IA	51106	No comments.
Dennis A. & Julie A. Fischer Trust	112 Grandy Dr.	Sioux City	IA	51106	No comments.
Jay B. Todd & Stacey M. Todd	114 Grandy Dr.	Sioux City	IA	51106	No comments.
Georgie A. & John L. Quinlain	116 Grandy Dr.	Sioux City	IA	51106	No comments.
Ronald G. & Mary M. Clause	1611 Buchanan Ave.	Sioux City	IA	51106	No comments.
Madelynne Rene Orr	4 Boxwood	Littleton	CO	80127	No comments.
Everett A. Hord Jr.	7430 Correctionville Rd.	Sioux City	IA	51106	No comments.
Flewelling Farms LC	7462 Correctionville Rd.	Sioux City	IA	51106	No comments.

BORROW SITE #2: PROPERTY OWNERS WITHIN 500 FOOT RADIUS

Property Owner(s)	Mailing Address		Comments		
Clarence M. Uhl & Herthel C. Unl Revocable Trust - Eric Hennings	1400 W. 1st St.	Sioux City	IA	51103	No comments.
Longlines Ltd.	PO Box 1458	North Sioux City	SD	57049	No comments.
State of Iowa	800 Lincoln Way	Ames	IA	50010	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	SEE EMAIL BELOW
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I believe I've commented on all of these. We shouldn't have any issues with any of the proposals. – Casey Meinen, 4/11/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC gas. – Casey Meinen, 4/5/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed these five zoning requests, NIPCO has no facilities at or adjacent to these locations. NIPCO has no issues with these requests. – Jeff Zettel, 4/12/23.
NUSTAR PIPELINE:	This project will not impact NuStar's pipeline. – Matt McGee, 4/5/23.
SIouxLAND 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:	I would endorse this proposed land use. The borrow is needed for road improvements on Buchanan Avenue. Lowering this hill has the additional benefit of eliminating a snow trap on the county road. As far as this office is concerned, we can't get this done fast enough. – Mark Nahra, 4/4/23.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding the proposed borrow pits. – Neil Stockfleth, 4/5/23.

Daniel Priestley

From: Ferguson, Bryan <Bryan.Ferguson@magellanlp.com>
Sent: Tuesday, April 4, 2023 3:16 PM
To: Daniel Priestley
Subject: RE: Comments Requested Temporary Borrow Pit Highway 20 (Parcels: 884704200001, 884704200003, and 884702100006)
Attachments: Capture.JPG

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.**

Daniel,

We have an active line right under borrow site 1 so we can't approve this. We've talked with the landowner and JB Construction about removing the pipe at that location, but we don't have the details ironed out on that at this time. Please let me know if you need any more information from me for this.

Bryan Ferguson
Real Estate Representative
Magellan Pipeline Company, L.P.
918.574.7157 - Office
918.600.4972 - Cell



ATTACHMENT:



ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is to establish two(2) temporary borrow pits to remove earthen materials to be used in Phase 1 &2 of East bound Hwy 20 IDOT Project #17-97-020-010. These borrow sites are currently used as farm land.

1. Estimate of the quantities of earthen material to be moved
 - a. West Borrow:
 - i. Cut Area: 8-10acres
 - ii. Fill Area: 0 acres
 - iii. Work Area: 10acres
 - iv. Total excavation for Export: 100,000-150,000 yds³
 - b. East Borrow:
 - i. Cut Area: 8-10acres
 - ii. Fill Area: 0 acres
 - iii. Work Area: 10acres
 - iv. Total excavation for Export: 100,000-150,000 yds³
2. Storm Management Plan
 - a. SWPPP Plan
 - i. See attached
 - b. Permits
 - i. See attached
3. Soil Erosion Plan
 - a. A Soils Erosion Plan has been developed and consists of staging and maintenance, winter shutdown, removal of temporary measures, measures necessary to control erosion and dewatering plan
 - i. See attached
4. Dust Control
 - a. Watering
 - b. Sweeping
5. Haul Route
 - a. Onsite (equipment shall not leave the work zone as shown in IDOT Project #17-97-020-010)
 - i. See attached
 - b. Offsite (personal vehicles)
 - i. See attached
6. Traffic Entrances
 - a. See attached
7. Hours of Operation
 - a. 6:30AM-7:30PM
 - b. The contractor will make every effort to operate in a safe and efficient manner
8. Duration of Operation
 - a. The anticipated end date to phase 1 is November 2023
 - b. The anticipated end date to phase 2 is November 2024
 - c. See attached

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

1. Maps
 - a. See attachment

CRITERIA 1:

The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

1. Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.
 - a. The current zoning is Agricultural Preservation for both parcels. Borrow pits are allowed under agricultural preservation. The purpose of both borrow sites is for grading operations of IDOT Project# 17-97-020-010. Both borrow areas will return to farm land; being re-graded to be less sloped and therefore less erosive.

Staff Analysis:

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance includes the Agricultural Preservation (AP) Zoning District as a location authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

CRITERIA 2:

The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

- a. These parcels are zoned as Agricultural Preservation and is currently used as farm land. The purpose is to borrow earthen material for IDOT Project # 17-97-020-010. In conclusion to the grading of the borrows, the site will be re-graded and farming practices can continue.

Staff Analysis:

The applicants have met or will meet the requirements necessary for the temporary borrow pits including the issuance of a NPDES Permit 2 from the Iowa Department of Natural Resources as well as having a Storm Water Pollution Prevention Plan (SWPPP) to control erosion. It is the expectation of the general plan (Land Use Goal 1.6) as well as county and state policies to ensure that "standards and practices for land development to minimize soil erosion and damaging water runoff, particularly in the fragile soils of the Loess Hills area of the county."

CRITERIA 3:

The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

- a. The grading of the borrow will have little to no effect on regular traffic as there will already be traffic control in place for the Hwy 20 East Bound Project.
- b. There may be a short-term closed lane of Buchanan Avenue due to the close proximity of the East borrow and the traveled way of Buchanan Avenue
 - i. This grading will leave Buchanan Avenue aesthetically more pleasing than before
 - ii. See attachment
- c. The utility companies are moving lines due to the construction of Hwy 20 Project # 17-97-020-010 and the borrow sites will not affect those operations
- d. Vehicular parking and equipment parking will not impose on regular traffic as the work will all be done on the closed part of Hwy 20 East Bound
- e. Public Health and Safety will not be affected as all equipment traffic from borrows

Staff Analysis:

The borrow pit would have a temporary impact on the neighborhood during the extraction and transfer period. There does not appear to be any significant impact to parking, or other factors affecting public health. However, as noted in Magellan's April 4, 2023 statement above from Bryan Ferguson, an agreement to remove their pipeline has not been ironed out. Without such an agreement currently in place, staff recommends approval of Temporary Borrow Area #1 with the condition that approval is contingent on a written agreement between Magellan Midstream Partners L.P. and the property owners and

applicants that the active pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended by staff to deny the application for Temporary Borrow Area #1.

CRITERIA 4:

The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

- a. The borrow excavations will not impede on the existing conditions of the farm land.
- b. The excavations will lessen the length of the back slope of Buchanan Ave & Hwy 20
- c. The excavations will lessen the length of the back slope on the radius of the existing ramp of Hwy 71 & 20 intersection

Staff Analysis:

The temporary borrow pits are to be located, designed, and constructed in a manner that will have a minimal impact on the area during the time of extraction and transfer. As long as the location is returned back to farm ground and the SWPPP are appropriately followed for erosion control, there should be a minimal impact. It will be imperative for the applicants and Magellan to reach an agreement on the pipeline removal. If an agreement is not achieved, the Temporary Borrow Pit #1 should not be approved.

CRITERIA 5:

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

- a. These borrow sites are going to be used in the grading of the section Hwy 20 East Bound

Staff Analysis:

Not applicable to the proposed use.

CRITERIA 6:

The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Applicant Response:

CONDITIONAL USE PERMIT APPLICATION INSTRUCTIONS AND DOCUMENTATION REQUIRED WOODBURY COUNTY ZONING ORDINANCE 2.02-9-C REQUIRES THE FOLLOWING DOCUMENTATION BE SUBMITTED AS PART OF A CONDITIONAL USE PERMIT APPLICATION: 1. SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE. 2. MAPPING DRAWN TO SCALE SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS WITH THE PROPOSED CONDITIONAL USE IDENTIFIED THEREON. 3. A STATEMENT IN RESPONSE TO THE CRITERIA AND STANDARDS FOR APPROVAL OF CONDITIONAL USE WITHIN SUBSECTION 2.02-9.F OF WOODBURY COUNTY ZONING ORDINANCES. PROPERTY. 5. A FILING FEE OF \$300.00 PAYABLE TO THE WOODBURY COUNTY TREASURER 4. A CERTIFIED ABTRACTOR'S LISTING OF NAMES AND MAILING ADDRESSES OF ALL OWNERS OF REAL PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT APPLICATIONS RECEIVED WITHOUT ALL THE AFOREMENTIONED DOCUMENTATION WILL BE RETURNED. The Steps taken within the conditional use permit process are as follows: 1. Application for conditional use permit is filed with Planning and Zoning Office 2. Application is placed upon the Zoning Commission agenda for review and recommendation. 3. Zoning Commission submits findings and recommendation report to the Board of Adjustment. 4. The Board of Adjustment holds a public hearing. 5. Board of adjustment renders decision on conditional use application based upon criteria within 2.02-9.F The Woodbury County Zoning Commission meets on the 4 th Monday of each month. The Woodbury County Board of Adjustment meets on the 1 st Monday of each month. The conditional use permit application filing deadline is the 1 st day of the month to be placed upon that month's Zoning Commission meeting agenda. See attached the specific ordinances referred to within this conditional use permit application.

Staff Analysis:

The applicant must work within the guidelines of the NPDES #2 and Storm Water Pollution Prevention Plan (SWPPP) to prevent any unnecessary adverse effects to the property and return the property to farm ground.

OTHER CONSIDERATION 1:

The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

This temporary borrow pits are being requested to support the east bound Highway 20 project (IDOT Project #17-97-020-010). The borrow extraction from the requested locations can be construed as a service in the public interest to complete improvements to local transportation.

OTHER CONSIDERATION 2:

All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

Staff Analysis:

Steps should be taken to return the property to farm ground. It will be imperative for the applicants and Magellan to reach an agreement on the pipeline removal. If an agreement is not achieved, the Temporary Borrow Pit #1 should not be approved.



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

Zoning Ordinance
Section 2.02(9)

Page 1 of 6

CONDITIONAL USE PERMIT APPLICATION

Owner Information:	Applicant Information:
Owner <u>Eric Hennings</u>	Applicant <u>JB Holland Construction, Inc.</u>
Address <u>1400 W 1st Street</u> <u>Sioux City, IA 51103</u>	Address <u>2092 State Hwy 9</u> <u>Decorah, IA 52101</u>
Phone _____	Phone <u>(563)382-2901</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

Establish a temporary borrow site to remove earthen materials

Property Information:

Property Address
or Address Range Parcels SE of Exit 4A ramp and Hwy 20

Quarter/Quarter NW 1/4 of the NE 1/4 Sec. 4 Twnshp/Range 88:47

Parcel ID # 884704200003/ 884704200001 GIS # _____ Total Acres 54.63

Current Use Crop Land Proposed Use Crop Land

Current Zoning AP

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(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 3/14/23 Staff present [Signature]

The undersigned is/are the owners(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 Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit Application 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 William F. Holland

Date 3-9-2023 Date _____

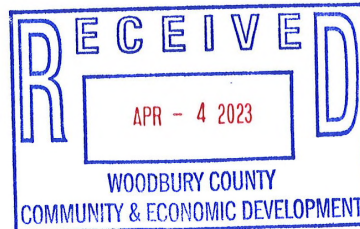
Digitally signed by William F. Holland
DN: C=US, E=bholland@jbhc.biz,
O=JB Holland Construction Inc,
CN=William F. Holland
Date: 2023.04.04 13:20:47-05'00'

Fee: \$300* Case #: 6844

Check #: 102020

Receipt #: _____

Date Received





CONDITIONAL USE PERMIT APPLICATION

Owner Information:	Applicant Information:
Owner <u>Hennings Joint Trust</u>	Applicant <u>JB Holland Construction, Inc,</u>
Address <u>1970 Garner Ave</u> <u>Moville, Iowa 51039</u>	Address <u>2092 State Hwy 9</u> <u>Decorah, Iowa 52101</u>
Phone _____	Phone <u>563-382-2901</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to: establish a temporary borrow site to remove earthen materials

Property Information:

Property Address or Address Range Parcel adjacent to intersection of Buchanan Avenue & HWY 20

Quarter/Quarter NW1/4 NW1/4 Sec 02 Twnshp/Range Twnshp: 88, Range: 47

Parcel ID # 884702100006 GIS # _____ Total Acres 35.63

Current Use Crop Land Proposed Use Crop Land

Current Zoning AP

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(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 3/14/23 Staff present Pau Priestley

The undersigned is/are the owners(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 Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit Application 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 *David Hennings* Applicant William F. Holland

Date 3/27/2023 Date _____

Digitally signed by William F. Holland
DN: C=US, E=wholland@jhc.biz,
O=JB Holland Construction Inc,
CN=William F. Holland
Date: 2023.03.28 13:36:19-0500

Fee: **\$300*** Case #: 6

Check #: _____

Receipt #: _____

Date Received

PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is to establish two(2) temporary borrow pits to remove earthen materials to be used in Phase 1 &2 of East bound Hwy 20 IDOT Project #17-97-020-010. These borrow sites are currently used as farm land.

1. Estimate of the quantities of earthen material to be moved
 - a. West Borrow:
 - i. Cut Area: 8-10acres
 - ii. Fill Area: 0 acres
 - iii. Work Area: 10acres
 - iv. Total excavation for Export: 100,000-150,000 yds³
 - b. East Borrow:
 - i. Cut Area: 8-10acres
 - ii. Fill Area: 0 acres
 - iii. Work Area: 10acres
 - iv. Total excavation for Export: 100,000-150,000 yds³
2. Storm Management Plan
 - a. SWPPP Plan
 - i. See attached
 - b. Permits
 - i. See attached
3. Soil Erosion Plan
 - a. A Soils Erosion Plan has been developed and consists of staging and maintenance, winter shutdown, removal of temporary measures, measures necessary to control erosion and dewatering plan
 - i. See attached
4. Dust Control
 - a. Watering
 - b. Sweeping
5. Haul Route
 - a. Onsite (equipment shall not leave the work zone as shown in IDOT Project #17-97-020-010)
 - i. See attached
 - b. Offsite (personal vehicles)
 - i. See attached
6. Traffic Entrances
 - a. See attached
7. Hours of Operation
 - a. 6:30AM-7:30PM
 - b. The contractor will make every effort to operate in a safe and efficient manner
8. Duration of Operation
 - a. The anticipated end date to phase 1 is November 2023
 - b. The anticipated end date to phase 2 is November 2024
 - c. See attached

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

1. Maps
 - a. See attachment

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES.

1. Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.
 - a. The current zoning is Agricultural Preservation for both parcels. Borrow pits are allowed under agricultural preservation. The purpose of both borrow sites is for grading operations of IDOT Project# 17-97-020-010. Both borrow areas will return to farm land; being re-graded to be less sloped and therefore less erosive.
2. Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.
 - a. These parcels are zoned as Agricultural Preservation and is currently used as farm land. The purpose is to borrow earthen material for IDOT Project # 17-97-020-010. In conclusion to the grading of the borrows, the site will be re-graded and farming practices can continue.
3. Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.
 - a. The grading of the borrow will have little to no effect on regular traffic as there will already be traffic control in place for the Hwy 20 East Bound Project.
 - b. There may be a short-term closed lane of Buchanan Avenue due to the close proximity of the East borrow and the traveled way of Buchanan Avenue
 - i. This grading will leave Buchanan Avenue aesthetically more pleasing than before
 - ii. See attachment
 - c. The utility companies are moving lines due to the construction of Hwy 20 Project # 17-97-020-010 and the borrow sites will not affect those operations
 - d. Vehicular parking and equipment parking will not impose on regular traffic as the work will all be done on the closed part of Hwy 20 East Bound
 - e. Public Health and Safety will not be affected as all equipment traffic from borrows will remain on the closed part of Hwy 20 East Bound project.

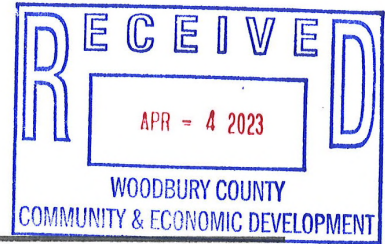
4. Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.
 - a. The borrow excavations will not impede on the existing conditions of the farm land.
 - b. The excavations will lessen the length of the back slope of Buchanan Ave & Hwy 20
 - c. The excavations will lessen the length of the back slope on the radius of the existing ramp of Hwy 71 & 20 intersection

5. Provide a statement to why essential public facilities and services will adequately serve the proposed use or development.
 - a. These borrow sites are going to be used in the grading of the section Hwy 20 East Bound

6. Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.

CONDITIONAL USE PERMIT APPLICATION INSTRUCTIONS AND DOCUMENTATION REQUIRED WOODBURY COUNTY ZONING ORDINANCE 2.02-9-C REQUIRES THE FOLLOWING DOCUMENTATION BE SUBMITTED AS PART OF A CONDITIONAL USE PERMIT APPLICATION: 1. SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE. 2. MAPPING DRAWN TO SCALE SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS WITH THE PROPOSED CONDITIONAL USE IDENTIFIED THEREON. 3. A STATEMENT IN RESPONSE TO THE CRITERIA AND STANDARDS FOR APPROVAL OF CONDITIONAL USE WITHIN SUBSECTION 2.02-9.F OF WOODBURY COUNTY ZONING ORDINANCES. PROPERTY. 5. A FILING FEE OF \$300.00 PAYABLE TO THE WOODBURY COUNTY TREASURER 4. A CERTIFIED ABTRACTOR'S LISTING OF NAMES AND MAILING ADDRESSES OF ALL OWNERS OF REAL PROPERTY LYING WITHIN 500 FEET OF THE SUBJECT APPLICATIONS RECEIVED WITHOUT ALL THE AFOREMENTIONED DOCUMENTATION WILL BE RETURNED. The Steps taken within the conditional use permit process are as follows: 1. Application for conditional use permit is filed with Planning and Zoning Office 2. Application is placed upon the Zoning Commission agenda for review and recommendation. 3. Zoning Commission submits findings and recommendation report to the Board of Adjustment. 4. The Board of Adjustment holds a public hearing. 5. Board of adjustment renders decision on conditional use application based upon criteria within 2.02-9.F The Woodbury County Zoning Commission meets on the 4 th Monday of each month. The Woodbury County Board of Adjustment meets on the 1 st Monday of each month. The conditional use permit application filing deadline is the 1 st day of the month to be placed upon that month's Zoning Commission meeting agenda. See attached the specific ordinances referred to within this conditional use permit application.

GRADING PERMIT APPLICATION
WOODBURY COUNTY PLANNING & ZONING
6TH FLOOR COURT HOUSE
620 DOUGLAS STREET
SIOUX CITY, IOWA 51102



Applicant's Information:

Property Owner(s) Name: Eric Hennings
Mailing Address: 1400 W 1st Street Sioux City, IA 51103
Phone No. _____ E-mail Address: _____

Grading Contractor's Information:

Property Owner(s) name: JB Holland Construction, Inc
Mailing Address: 2092 State Hwy 9 Decorah, IA 52101
Phone No. (563)382-2901 E-mail Address: alarson@jbhc.biz

Property and location Information:

Property Address: Parcels SE of Exit ramp 4A & Hwy 20
GIS Parcel Number: 884704200001/884704200003 Quarter: NW of NE Section 4 Township 88

*NW/NE
Woodbury*

Purpose for Grading Permit Application: Establish a temporary borrow site to remove earthen materials

Will Earthen Material be removed from the parcel? Yes No No. of Cubic Yards 150,000

Will Earthen Material be brought to the parcel? Yes No No. of Cubic Yards _____

Anticipated Start Date of Grading: 4/27/2023 Anticipated End Date of Grading: 11/30/2024

Any Other Information: Two phases of this project.

Borrow area runs south across parcel lines of same land owner

PROPERTY OWNER(S) SIGNATURE

William F. Holland
CONTRACTOR'S SIGNATURE
Digitally signed by William F. Holland
DN: C=US, E=bholland@jbhc.biz,
O=JB Holland Construction Inc,
CN=William F. Holland
Date: 2023.04.04 13:21:18-05'00'

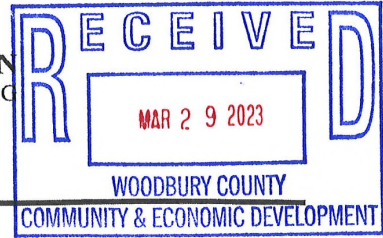
APPROVED: _____ DATE: _____
PLANNING AND ZONING DIRECTOR

AFTER THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED, THIS PERMIT BECOMES NULL AND VOID IF GRADING HAS NOT COMMENCED WITHIN 120 DAYS. THE PERMIT EXPIRES TWELVE (12) MONTHS FROM ISSUANCE AND MUST BE RENEWED IF GRADING IS TO CONTINUE.

Below -Office Use Only:

Application Number: 6853 Date: 4/4/23
Parcel's Zoning: AP Parcel's Flood Zone: Map Panel No: 202
Permit Issue Date: _____ Expiration Date: _____
Approved: _____ Denied: _____

GRADING PERMIT APPLICATION
WOODBURY COUNTY PLANNING & ZONING
6TH FLOOR COURT HOUSE
620 DOUGLAS STREET
SIOUX CITY, IOWA 51102



Applicant's Information:

Property Owner(s) Name: Hennings Joint Trust
Mailing Address: 1970 Garner Avenue, Merville, IA 51039
Phone No. _____ E-mail Address: _____

Grading Contractor's Information:

Property Owner(s) name: JB Holland Construction, Inc.
Mailing Address: 2092 State Hwy 9 Decorah, IA 52101
Phone No. 563-382-2901 E-mail Address: alarson@jbhc.biz

Property and location Information:

Property Address: Parcel SE of intersection of Buchanan Avenue & HWY 20
GIS Parcel Number: 884702100006 Quarter: NW/NW Section 2 Township 88
Purpose for Grading Permit Application: establish a temporary borrow site to remove earthen materials

Will Earthen Material be removed from the parcel? Yes No _____ No. of Cubic Yards 150,000
Will Earthen Material be brought to the parcel? Yes _____ No No. of Cubic Yards _____
Anticipated Start Date of Grading: 3/27/2023 Anticipated End Date of Grading: 3/27/2024
Any Other Information: Two Phases of this project


PROPERTY OWNER(S) SIGNATURE


Digitally signed by William F. Holland
DN: C=US, E=bholland@jbhc.biz,
O=JB Holland Construction Inc,
CN=William F. Holland
Date: 2023.03.28 13:37:08 -0500
William F. Holland
CONTRACTOR'S SIGNATURE

APPROVED: _____ DATE: _____
PLANNING AND ZONING DIRECTOR

AFTER THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED, THIS PERMIT BECOMES NULL AND VOID IF GRADING HAS NOT COMMENCED WITHIN 120 DAYS. THE PERMIT EXPIRES TWELVE (12) MONTHS FROM ISSUANCE AND MUST BE RENEWED IF GRADING IS TO CONTINUE.

Below -Office Use Only:

Application Number: 6854 Date: 3/29/23
Parcel's Zoning: AP Parcel's Flood Zone: X portion Zone A Map Panel No: 275
Permit Issue Date: _____ Expiration Date: _____
Approved: _____ Denied: _____

 **Beacon™** Woodbury County, IA / Sioux City

Summary

Parcel ID 884704200001
 Alternate ID 830325
 Property Address N/A
 Sec/Twp/Rng 4-88-47
 Brief Tax Description EX HWY EX N400.6' E1000' & EX S 611.4' E1118' EX PT TO STATE GOVT LOT1
 (Note: Not to be used on legal documents)
 Deed Book/Page [504-1057 \(8/23/2001\)](#)
 Gross Acres 19.30
 Net Acres 19.30
 Adjusted CSR Pts 841.9
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0058 WOODBURY/SIOUX CITY
 School District SIOUX CITY COMM
 Neighborhood N/A

Owner

Deed Holder
[Uhl Clarence M & Herthel C Uhl](#)
[Revocable Trust](#)
 6701 6th Ave
 Sioux City IA 51106
Contract Holder
Mailing Address
 Hennings Eric
 1400 W 1st St
 Sioux City IA 51103

Land

Lot Area 19.30 Acres : 840,708 SF

Valuation

	2023	2022	2021	2020	2019
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$27,450	\$21,330	\$21,330	\$20,150	\$20,150
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$27,450	\$21,330	\$21,330	\$20,150	\$20,150
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$27,450	\$21,330	\$21,330	\$20,150	\$20,150

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, Sales, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.

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Version 2.3.254

Summary

Parcel ID 884704200003
Alternate ID 830370
Property Address N/A
Sec/Twp/Rng 4-88-47
Brief Tax Description GOVT LOTS 4-88-47
(Note: Not to be used on legal documents)
Deed Book/Page [504-1057 \(8/23/2001\)](#)
Gross Acres 35.33
Net Acres 35.33
Adjusted CSR Pts 1901.23
Zoning AP - AGRICULTURAL PRESERVATION
District 0058 WOODBURY/SIOUX CITY
School District SIOUX CITY COMM
Neighborhood N/A

Owner

Deed Holder
[Uhl Clarence M & Herthel C Uhl](#)
[Revocable Trust](#)
 6701 6th Ave
 Sioux City IA 51106
Contract Holder
Mailing Address
 Hennings Eric
 1400 W 1st St
 Sioux City IA 51103

Land

Lot Area 35.33 Acres ; 1,538,975 SF

Valuation

	2023	2022	2021	2020	2019
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$61,940	\$48,120	\$48,120	\$45,490	\$45,490
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$61,940	\$48,120	\$48,120	\$45,490	\$45,490
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$61,940	\$48,120	\$48,120	\$45,490	\$45,490

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](#)

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Last Data Upload: 3/31/2023, 7:16:06 PM

Version 2.3.254

Developed by


Summary

Parcel ID 884702100006
Alternate ID
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description WOODBURY TOWNSHIP GOVT LOT 2 OF 2-88-47 (EX ROAD ROW)
(Note: Not to be used on legal documents)
Deed Book/Page [\(7/27/2022\)](#)
Gross Acres 35.63
Net Acres 35.63
Zoning AP - AGRICULTURAL PRESERVATION
District 0030 WOODBURY/LAWTON-BRONSON
School District LAWTON BRONSON
Neighborhood N/A

Owner

Deed Holder
[Hennings Joint Trust](#)
[1970 Garner Ave](#)
 Merville IA 51039
Contract Holder
Mailing Address
 Hennings Joint Trust
 1970 Garner Ave
 Merville IA 51039

Land

Lot Area 35.63 Acres ; 1,552,043 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
7/27/2022	HENNINGS JOINT TRUST	STATE OF IOWA	2022-13558	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$46,620.00
2/25/2020	MOEN HELEN G TRUST	HENNINGS JOINT TRUST	2020-03104	Normal	Deed	Y	\$769,350.00

[Show](#) There are other parcels involved in one or more of the above sales:

Valuation

	2023	2022
Classification	Agriculture	Agriculture
+ Assessed Land Value	\$64,590	\$53,480
+ Assessed Building Value	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0
= Gross Assessed Value	\$64,590	\$53,480
- Exempt Value	\$0	\$0
= Net Assessed Value	\$64,590	\$53,480

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, Sioux City Board of Review Petition, Photos, Sketches.

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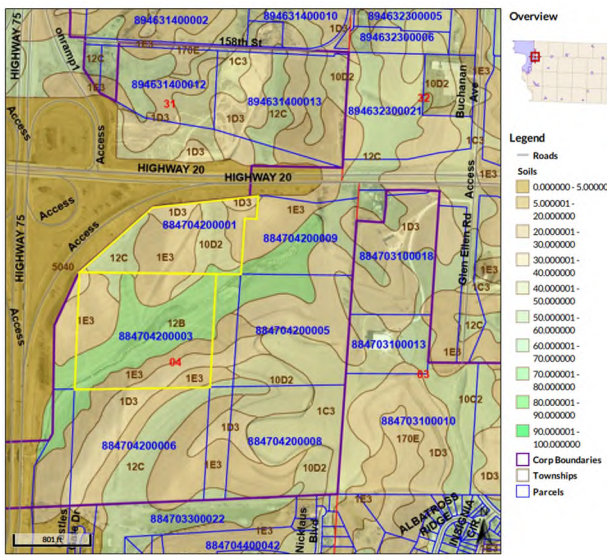
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Version 2.3.254

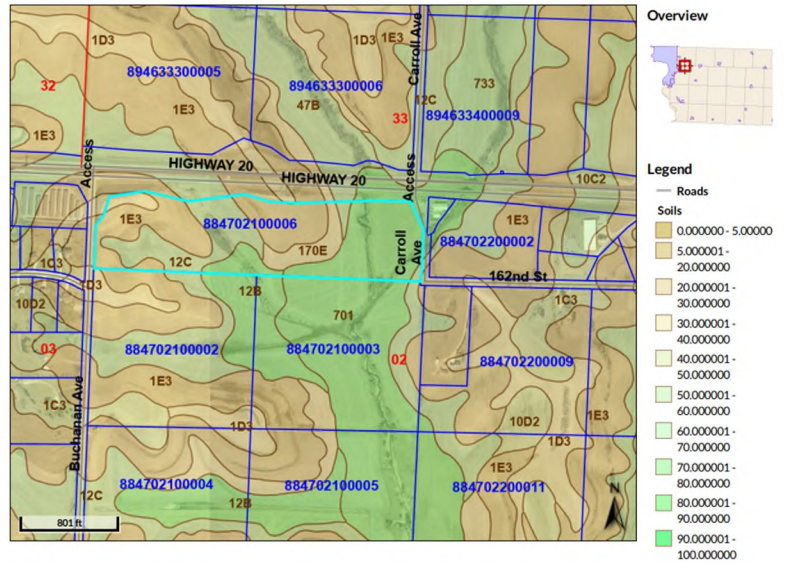
Developed by


SOIL REPORTS

Borrow Site #1



Borrow Site #2



Borrow Site #1 Summary – Parcel #884704200001 & Parcel #884704200003

Summary

Parcel ID	884704200001	
Gross Acres	19.30	
ROW Acres	0.00	
Gross Taxable Acres	19.30	
Exempt Acres	0.00	
Net Taxable Acres	19.30	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	43.62	(841.9 CSR2 Points / 19.3 Gross Taxable Acres)

Agland Active Con g 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	19.30	43.62	841.90	841.90
Non-Crop	0.00	0.00	0.00	0.00
Total	19.30		841.90	841.90

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.43	39.99	39.99
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	3.33	296.37	296.37
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	4.55	273.00	273.00
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	2.48	79.36	79.36
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	8.51	153.18	153.18
Total				19.30	841.90	841.90

Summary

Parcel ID	884704200003	
Gross Acres	35.33	
ROW Acres	0.00	
Gross Taxable Acres	35.33	
Exempt Acres	0.00	
Net Taxable Acres	35.33	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	58.42	(2064.1 CSR2 Points / 35.33 Gross Taxable Acres)

Agland Active Con g 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	31.78	54.56	1,733.95	1,733.95
Non-Crop	3.55	93.00	330.15	167.28
Total	35.33		2,064.10	1,901.23

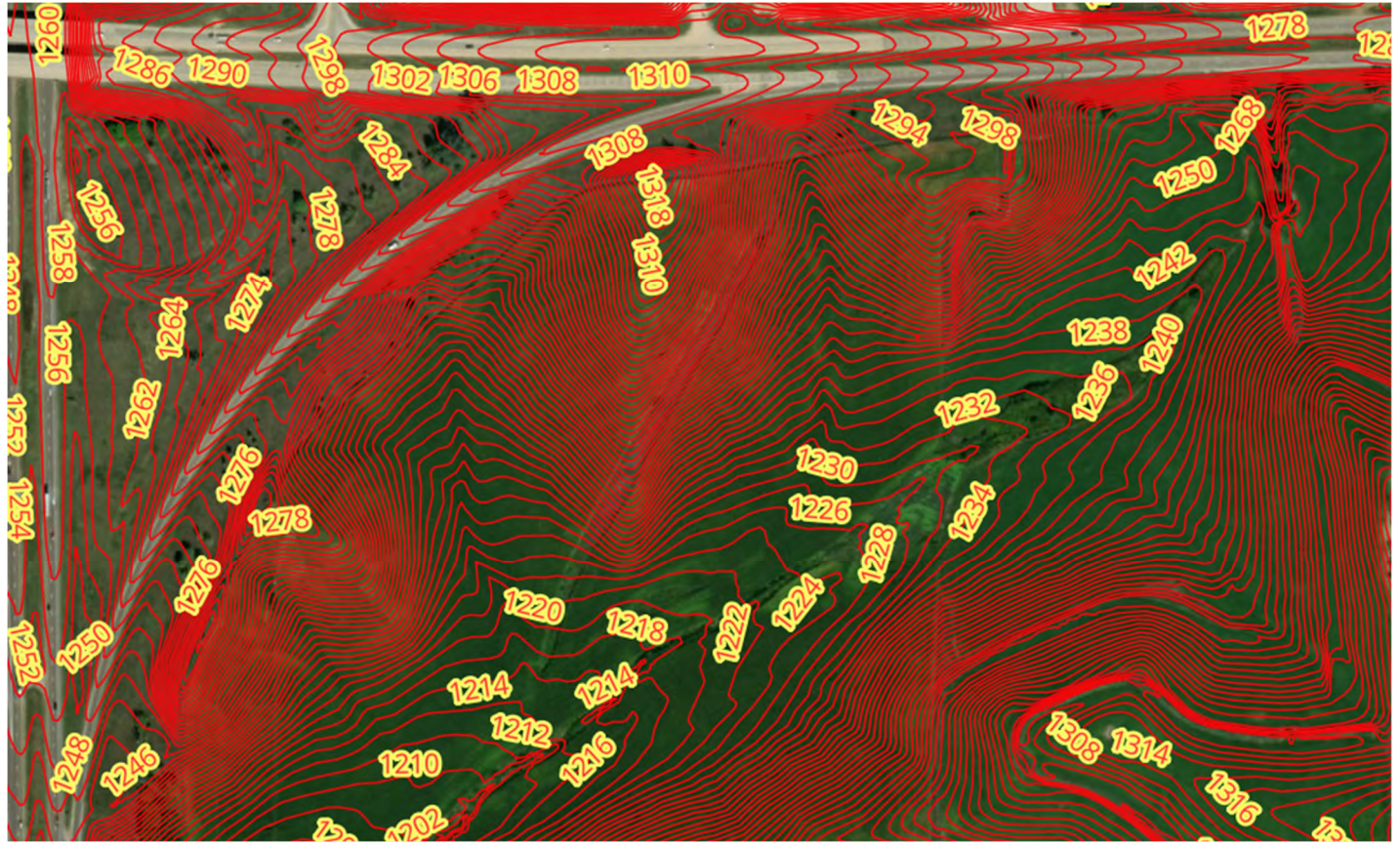
Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	13.69	1,273.17	1,273.17
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.90	80.10	80.10
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	0.69	41.40	41.40
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	3.02	96.64	96.64
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	13.48	242.64	242.64
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	3.55	330.15	167.28
Total				35.33	2,064.10	1,901.23

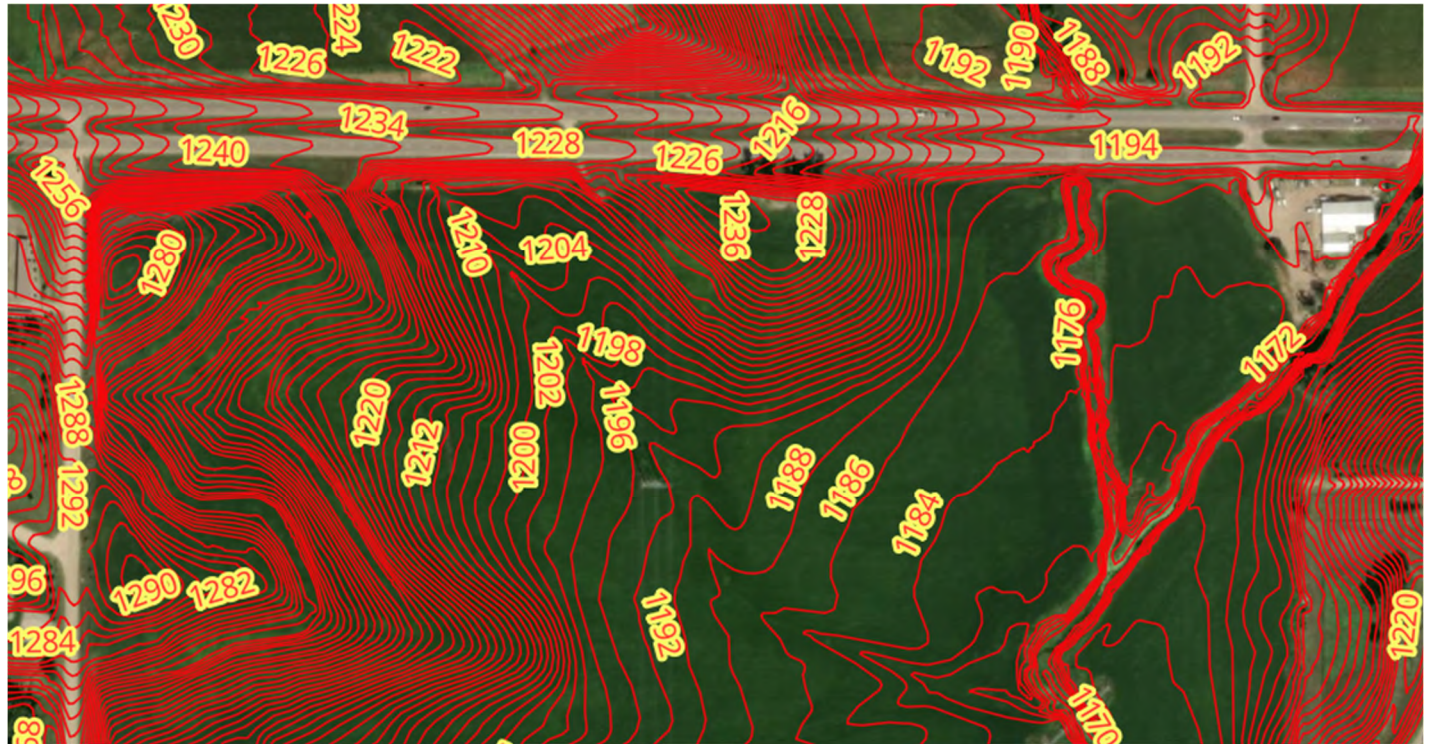
No Summary available for Borrow Site #2 - Parcel #884702100006

ELEVATION IMAGERY

Borrow Site #1



Borrow Site #2



*** 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

JB Holland Construction

2082 HWY 9 WEST
DECORAH IA 52101

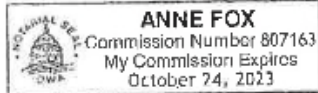
ORDER NUMBER 57204

PUBLIC NOTICE OF STORM WATER DISCHARGE
JB Holland plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities". The storm water discharge will be from construction activities related to site excavations located in Section 4, Township 88, Range 47 of Woodbury County. Storm water will be discharged from 1 point source and will be discharged to unnamed waterways, into unnamed ditches. Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, Environmental Protection Division, 502 E. 9th Street, Des Moines, IA 50319-0004. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after it has been received by the department.

Subscribed and sworn before me in Sioux City, in said County, this 15th day of March, 2023.

Shelby Skimsley

[Signature] Notary Public
In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 03/11/2023

TOTAL AD COST: 12.88
FILED ON: 3/13/2023



March 16, 2023

LYDIA GAUNITZ
JB HOLLAND CONSTRUCTION
2092 STATE HWY 9
DECORAH, IA 52101

Re: Authorization of a Storm Water Discharge Associated With Construction Activity
Iowa Department of Natural Resources, NPDES General Permit No. 2
DNR Authorization Number: IA - 42442 - 42064
Facility Name and Location: WEST BORROW - CONSTRUCTION, SIOUX CITY, IA

This letter is to acknowledge that a complete Notice of Intent to be covered under Iowa's NPDES Storm Water General Permit No. 2 has been received. Please use the DNR Authorization Number provided above for any future correspondence on this project. By making this Notice of Intent with the DNR, you are committing to meet the terms and conditions in General Permit No. 2. If you do not have a copy of General Permit No. 2 please go to <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water/Permits-Guidance-Forms> or call (515)204-9234 and request that a copy be sent to you.

In accordance with the terms and conditions in General Permit No. 2, a pollution prevention plan was to have been developed before the Notice of Intent was submitted to the department. The plan is to be implemented at the start of construction and updated accordingly. The pollution prevention plan and other records are to be kept on-site where the storm water discharge occurs. Unless otherwise requested, you do not need to provide a copy to the DNR.

When the construction project has reached final stabilization as defined in the permit, you must submit a Notice of Discontinuation to the DNR (refer to the summary guidance document). Final stabilization is not achieved for residential and commercial developments until all houses and buildings have been constructed and ground surrounding them has been finally stabilized.

If you have questions, please call me at 515-587-0570 or email at karen.lodden1@dnr.iowa.gov.

Sincerely,

Karen Lodden
NPDES Section

Enclosure: Permit Authorization Sheet

File No. CON 11 - 34 -- 42442
IDNR Field Office # 3



DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NOTICE OF GENERAL PERMIT COVERAGE UNDER
GENERAL PERMIT NO. 2

STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567--64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 2. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 2 in accordance with the terms and conditions set forth in the permit.

Owner:

JB HOLLAND CONSTRUCTION
2092 STATE HWY 9
DECORAH IA 52101
(563)568-1716

Contact:

LYDIA GAUNITZ
JB HOLLAND CONSTRUCTION
2092 STATE HWY 9
DECORAH IA 52101
(563)568-1716

Permit Coverage Issued To:

WEST BORROW - CONSTRUCTION
PARCEL SE OF INTERSECTION OF HWY 20 & HWY 75
in SIOUX CITY, WOODBURY COUNTY
located at

1/4 Section	Section	Township	Range
NE	4	8R	47W

Coverage Provided Through: 3/28/2026
NPDES Permit Discharge Authorization Number: 42442 - 42064
Discharge Authorization Date: 3/28/2023

**Project Description: TEMPORARY BORROW SITE WHERE EARTHEN MATERIALS
WILL BE EXPORTED FOR THR GRADING OF THE IDOT HWY 20 PROJECT - 10
AC**

***** 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

JB Holland Construction

2092 HWY 9 WEST
DECORAH IA 52101

ORDER NUMBER 57203

PUBLIC NOTICE OF STORM WATER DISCHARGE
JB Holland plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities". The storm water discharge will be from construction activities related to site excavations located in Section 2, Township 88, Range 47 of Woodbury County. Storm water will be discharged from 1 point source and will be discharged to Little Whiskey Creek. Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, Environmental Protection Division, 602 E. 9th Street, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after 1. hour later received by the department.

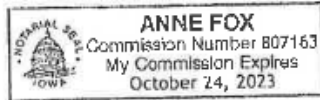
Subscribed and sworn before me in Sioux City, in said County,

this 15th day of March, 2023.

Shelby Skinsley

A Fox _____ Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 03/11/2023

TOTAL AD COST: 13.47

FILED ON: 3/13/2023



March 16, 2023

LYDIA GAUNTZ
JB HOLLAND CONSTRUCTION
2092 STATE HWY 9
DECORAH, IA 52101

Re: Authorization of a Storm Water Discharge Associated With Construction Activity
Iowa Department of Natural Resources, NPDES General Permit No. 2
DNR Authorization Number: IA - 42443 - 42065
Facility Name and Location: EAST BORROW - CONSTRUCTION, SIOUX CITY, IA

This letter is to acknowledge that a complete Notice of Intent to be covered under Iowa's NPDES Storm Water General Permit No. 2 has been received. Please use the DNR Authorization Number provided above for any future correspondence on this project. By making this Notice of Intent with the DNR, you are committing to meet the terms and conditions in General Permit No. 2. If you do not have a copy of General Permit No. 2 please go to <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water/Permits-Guidance-Forms> or call (515)204-9234 and request that a copy be sent to you.

In accordance with the terms and conditions in General Permit No. 2, a pollution prevention plan was to have been developed before the Notice of Intent was submitted to the department. The plan is to be implemented at the start of construction and updated accordingly. The pollution prevention plan and other records are to be kept on-site where the storm water discharge occurs. Unless otherwise requested, you do not need to provide a copy to the DNR.

When the construction project has reached final stabilization as defined in the permit, you must submit a Notice of Discontinuation to the DNR (refer to the summary guidance document). Final stabilization is not achieved for residential and commercial developments until all houses and buildings have been constructed and ground surrounding them has been finally stabilized.

If you have questions, please call me at 515-587-0570 or email at karen.lodden1@dnr.iowa.gov.

Sincerely,

Karen Lodden
NPDES Section

Enclosure: Permit Authorization Sheet

File No. CON 11 - 34 -- 42443
IDNR Field Office # 3



DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NOTICE OF GENERAL PERMIT COVERAGE UNDER
GENERAL PERMIT NO. 2

STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567--64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 2. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 2 in accordance with the terms and conditions set forth in the permit.

Owner:

**HENNINGS JOINT TRUST
1970 GARNER AVENUE
MOVILLE IA 51039
(563)379-3016**

Contact:

**LYDIA GAUNITZ
JB HOLLAND CONSTRUCTION
2092 STATE HWY 9
DECORAH IA 52101
(563)568-1716**

Permit Coverage Issued To:

**EAST BORROW - CONSTRUCTION
PARCEL SOUTH-EAST OF INTERSECTION OF BUCHANAN AVENUE &
HWY 20
in SIOUX CITY, WOODBURY COUNTY
located at**

1/4 Section	Section	Township	Range
NW	2	88	47W

**Coverage Provided Through: 3/28/2026
NPDES Permit Discharge Authorization Number: 42443 - 42065
Discharge Authorization Date: 3/28/2023**

**Project Description: A TEMPORARY BORROW SITE WHERE EARTHEN
MATERIALS WILL BE EXCAVATED AND USED FOR THE IDOT HWY 20
PROJECT - 10 AC**

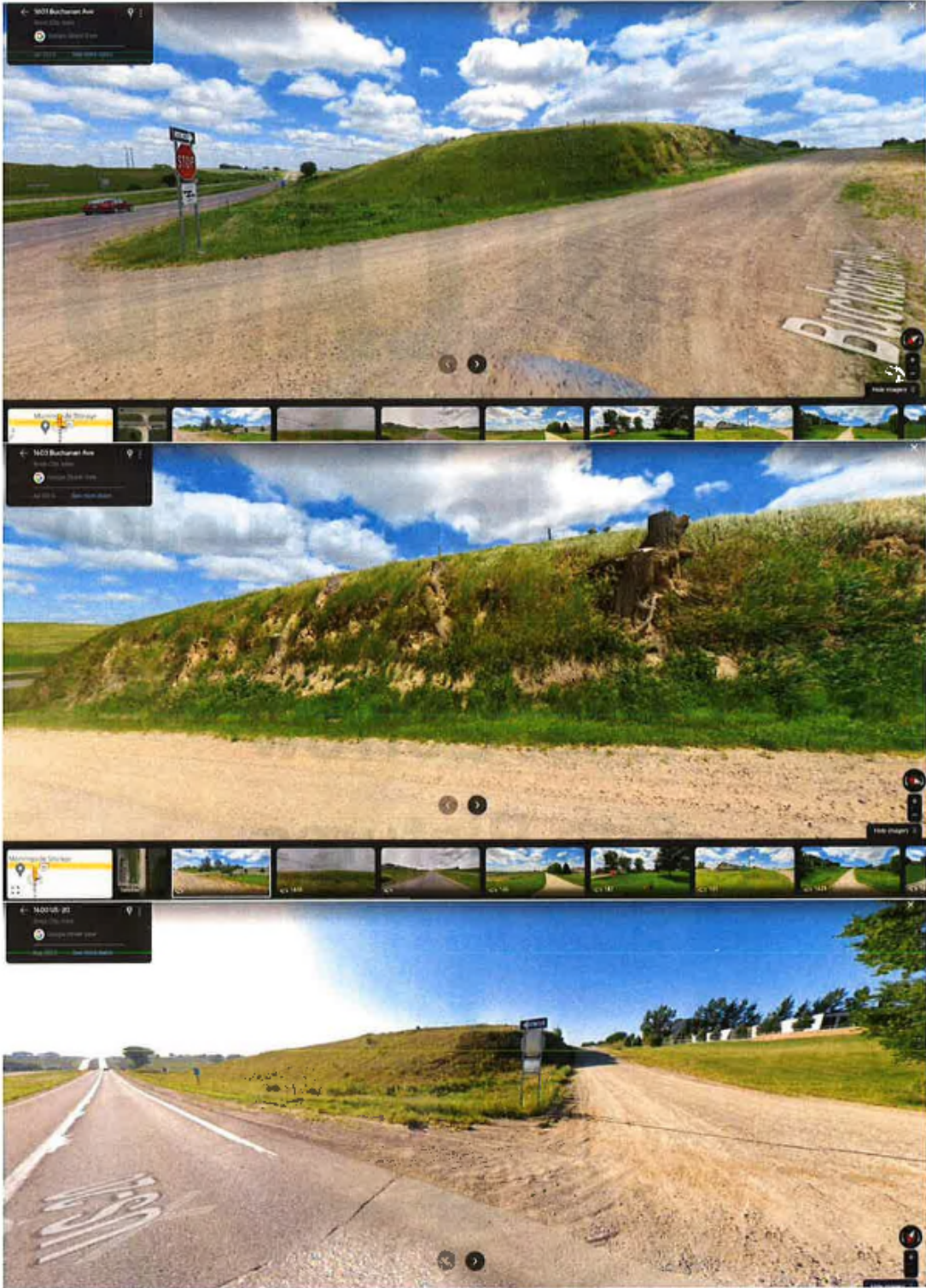


JB Holland Construction

East Borrow

West Borrow

Site Pictures



Hwy 20 East Borrow

Hennings Joint Trust

Legend

Original Grade Contours

Proposed Contours

Buchanan Ave

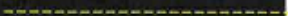


Buchanan Ave

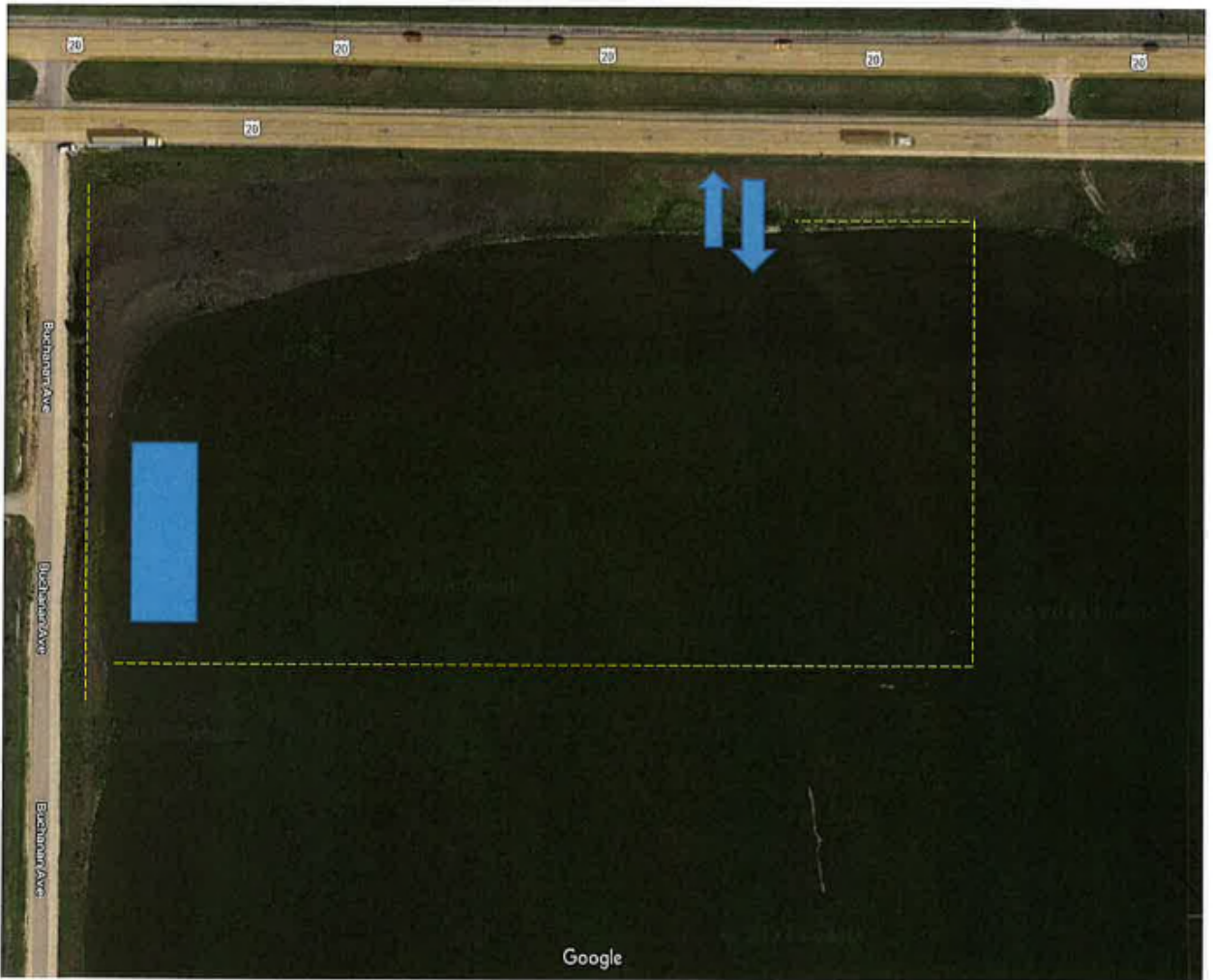
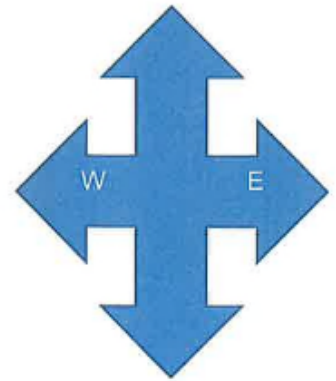


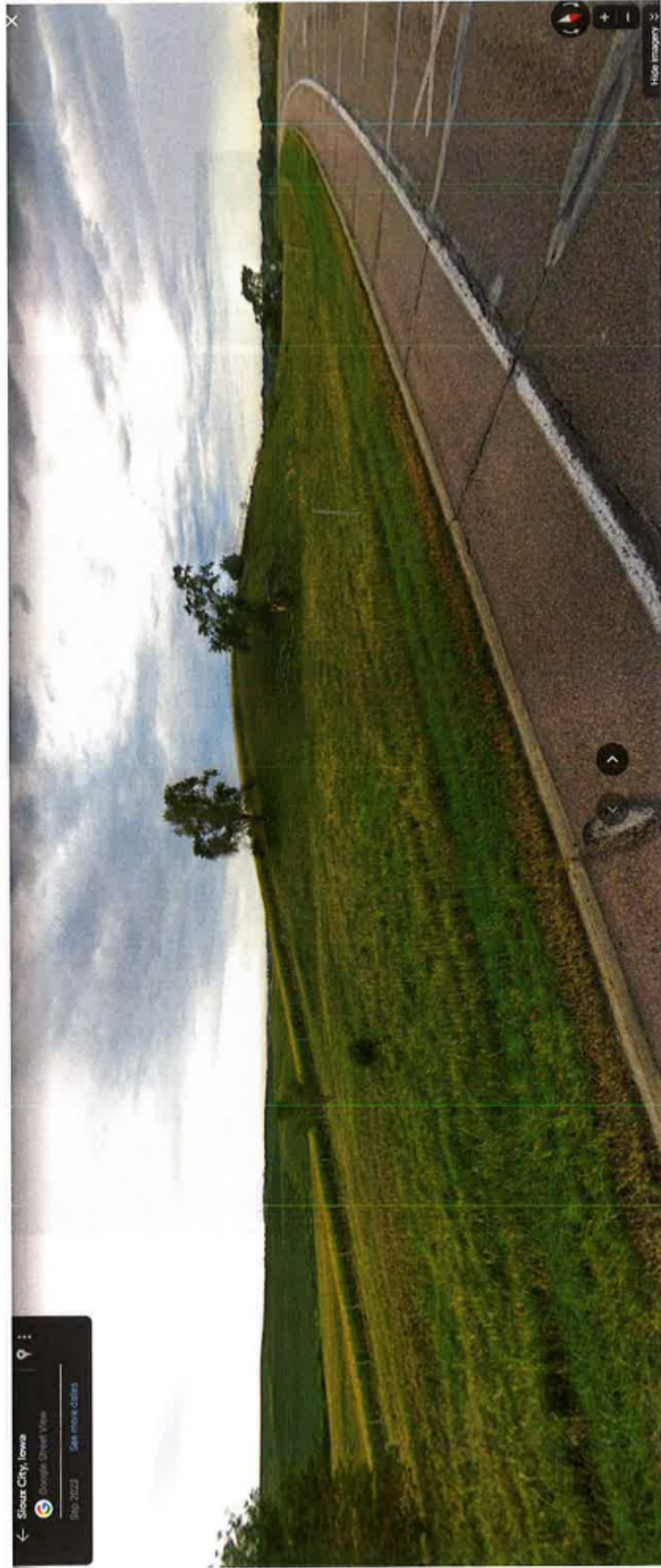
400 ft

Google Earth



LEGEND:
Silt Fence 
Stockpile 
Entrance/Exit: 





Hwy 20 West Borrow

E. Hennings Borrow

Legend

Original Ground Contours

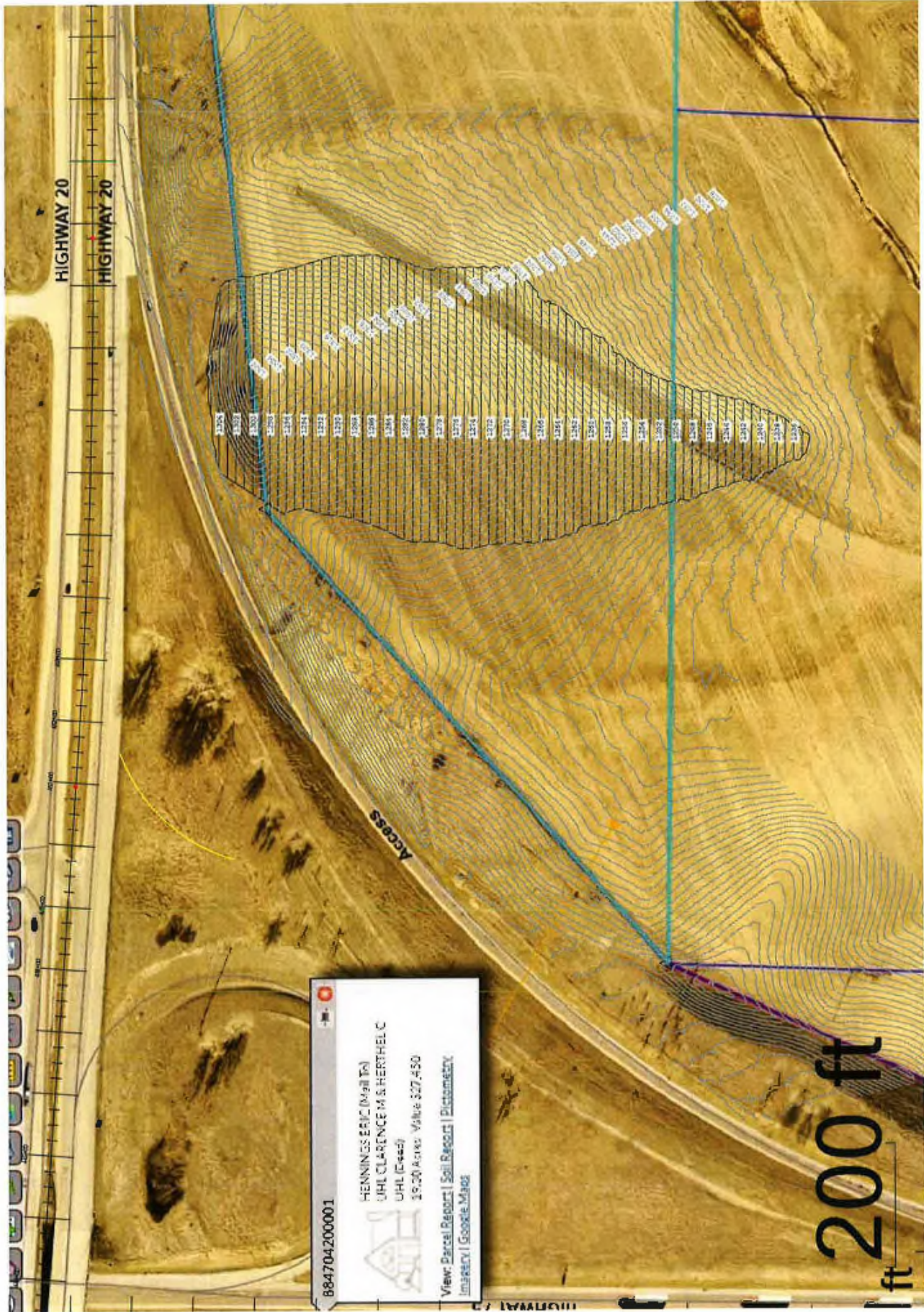
FG Contours



500 ft

Google Earth






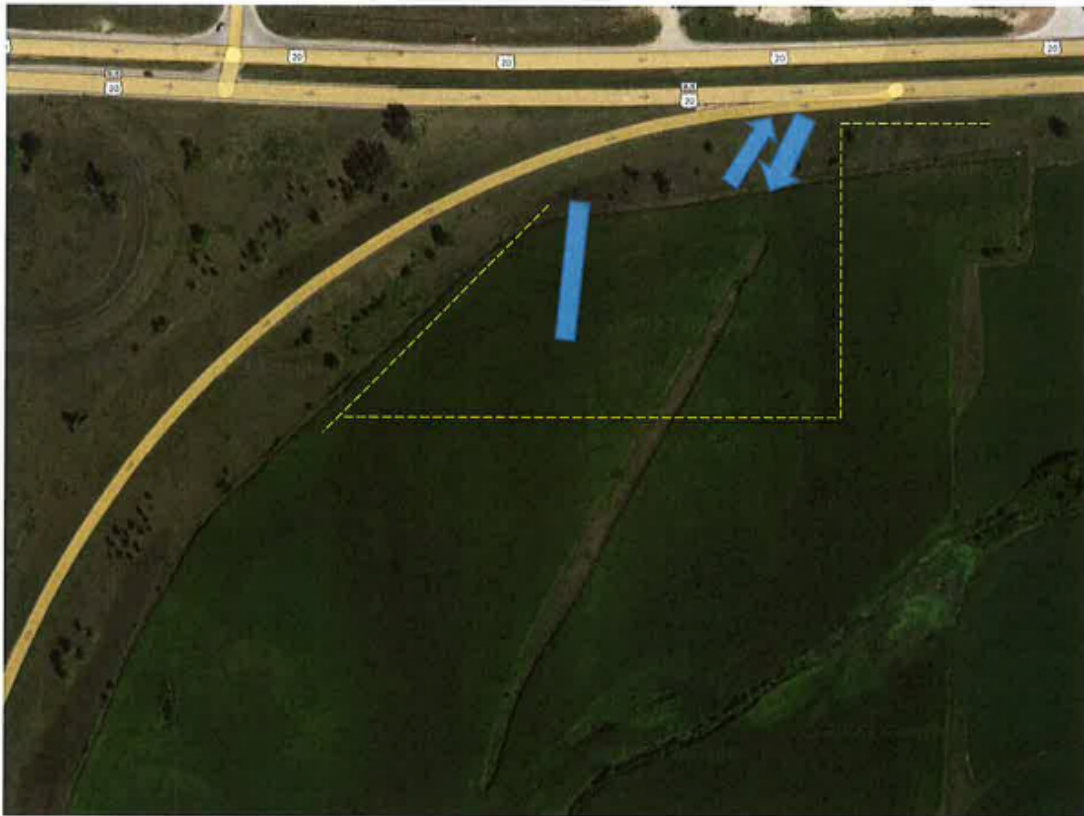
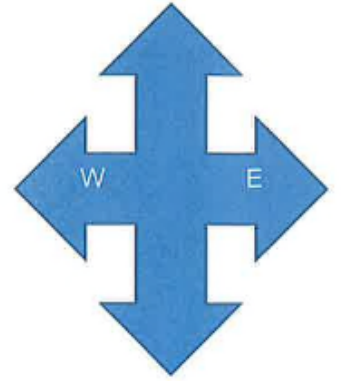


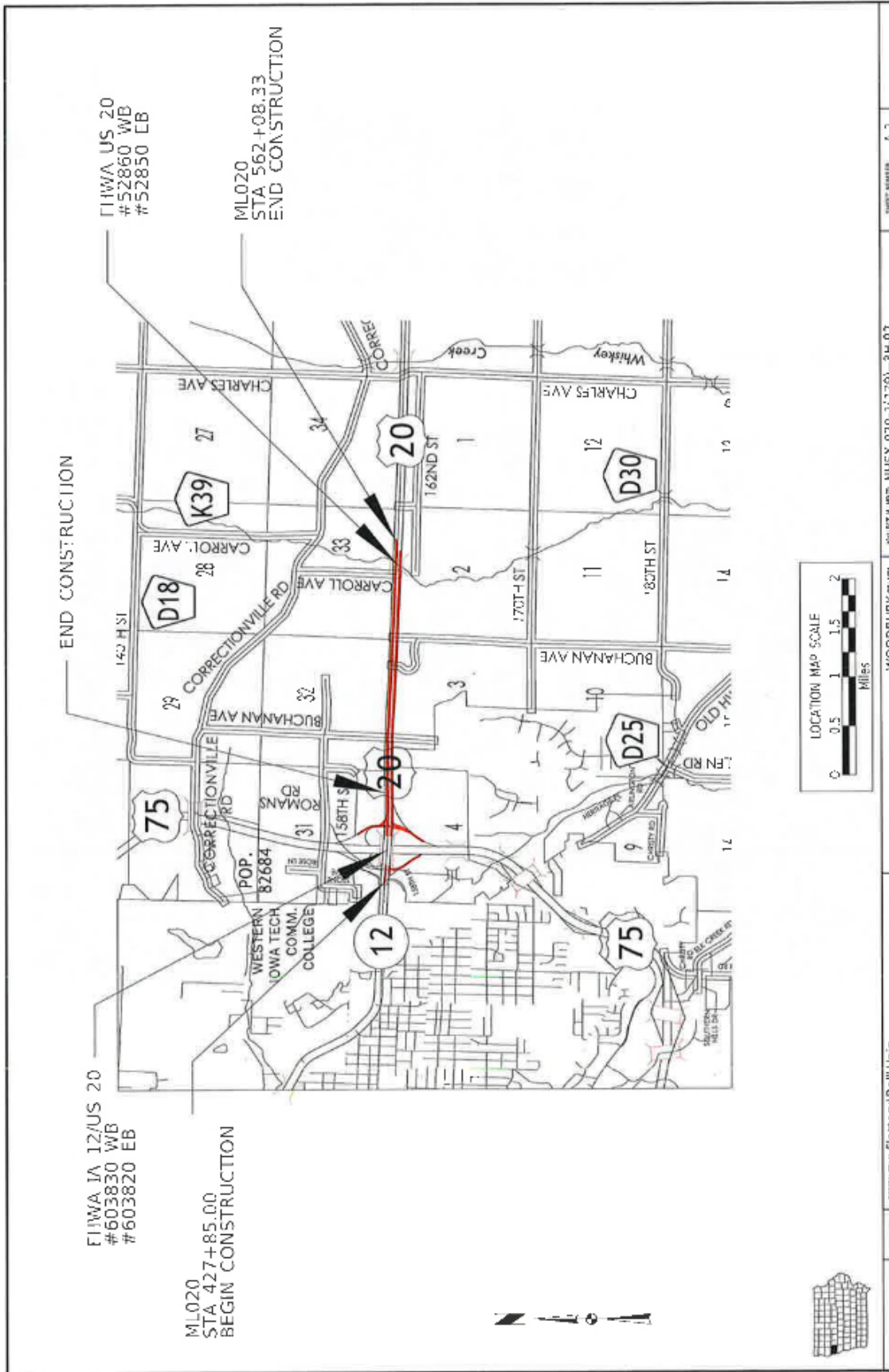
884704200001

 HENNINGS ERIC (Mail To)
 UHL CLARENCE M S HERTHEL C
 UHL (Lead)
 15.20 Acres Value \$27,450
 View Parcel Report | Soil Report | Dicometry
 Imagery | Google Maps

LEGEND:

- Silt Fence 
- Stockpile 
- Entrance/Exit: 





I11WA IA 12/JUS 20
 #603830 WB
 #603820 EB

ML020
 STA 427+85.00
 BEGIN CONSTRUCTION

I11WA US 20
 #52860 WB
 #52850 LB

ML020
 STA 562+08.33
 END CONSTRUCTION

END CONSTRUCTION



CROSS SECTION VIEW COLOR LEGEND OF TRAFFIC CONTROL AND STAGING SHEETS	
STADIUM	Design Color No.
Green	(225) Existing Pavement Shading
Gray Light	(48) Previously Constructed Pavement Shading
Gray Med	(86) Previously Constructed Granular Surface Shading
Gray Dark	(105) Proposed Pavement Shading
Blue	(230) Proposed Pavement Shading
Orange	(9) Temporary Pavement Shading
Brown	(231) Future Proposed Pavement Shading

CROSS SECTION VIEW PATTERN AND SYMBOL LEGEND OF TRAFFIC CONTROL AND STAGING SHEETS	
	Pavement Removl
	Proposed Granular Subbase
	Proposed Special Backfill
	Temporary Center Rail
	Proposed Granular Shoulder
	Temporary Shoulder
	Existing Shoulder (Weighted)
	Temporary Barrier Rail
	Channeling Device

PLAN VIEW COLOR LEGEND OF TRAFFIC CONTROL AND STAGING SHEETS	
LINEWORK	Design Color No.
Green	(51) Existing Topographic Features and Labels
Blue	(15) Proposed Existing C&G's
Yellow	(11) Proposed Alignment, Staging, Tie Lines and Alignment Annotation
White	(14) Pavement Markings Visible
Black	(134) Pavement Markings Visible
White	(15) Temporary Barrier Rail, Utilities
Black	(13) Temporary Barrier Rail, Utilities

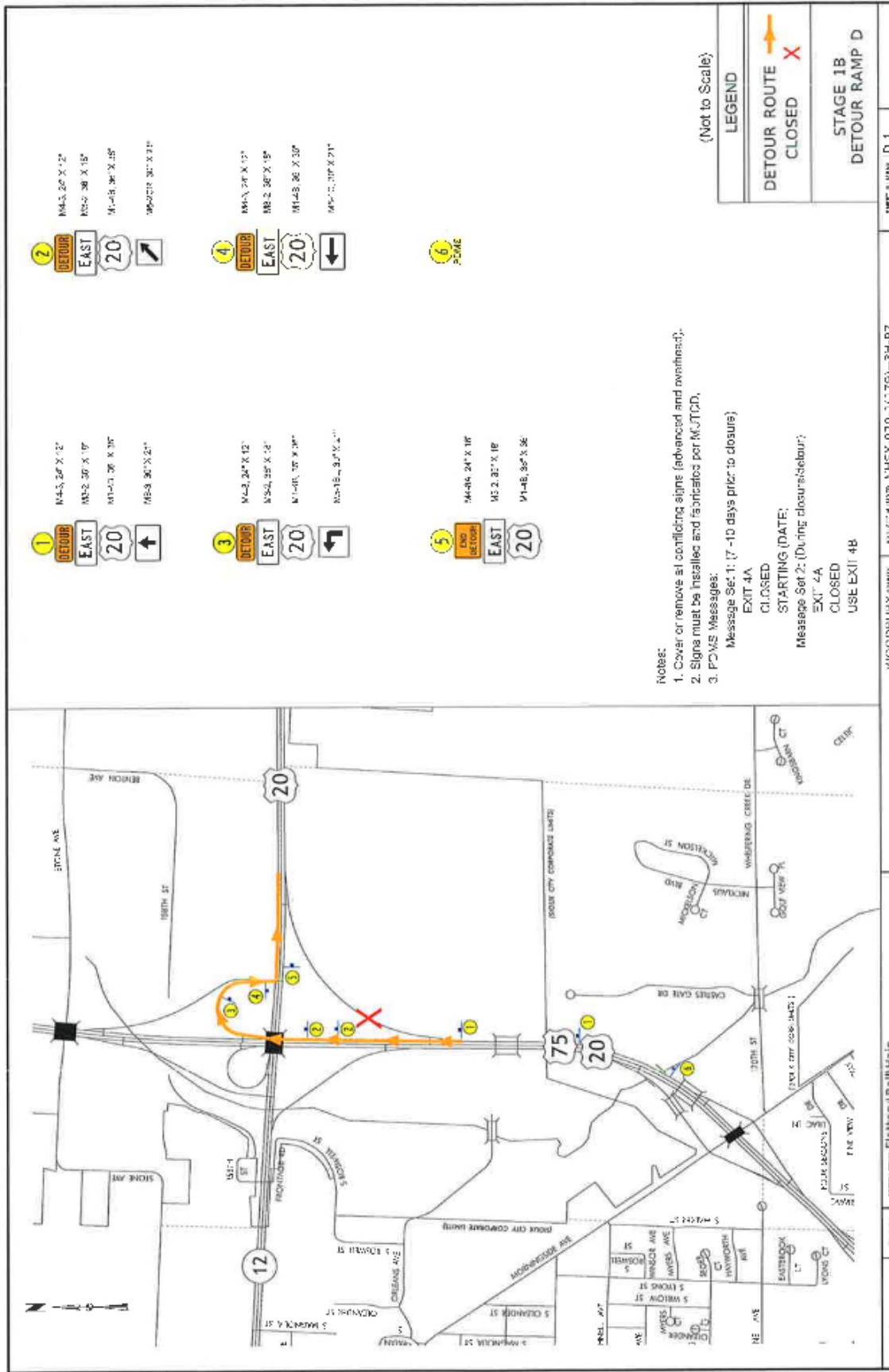
STAGING	
Design Color No.	Existing Pavement Shading
Green Light	(225) Existing Pavement Shading
Gray Light	(48) Previously Constructed Pavement Shading
Gray Med	(86) Previously Constructed Granular Surface Shading
Gray Dark	(105) Proposed Pavement Shading
Blue	(230) Proposed Pavement Shading
Orange	(9) Temporary Pavement Shading
Brown	(231) Future Proposed Pavement Shading
Black	(13) Proposed MSE or CIP Wall Shading
Black	(13) Proposed Bridge Shading and Sign Trucks
Black	(13) Backfill
Black	(13) Previously Constructed Structure

PLAN VIEW PATTERN AND SYMBOL LEGEND OF TRAFFIC CONTROL AND STAGING SHEETS	
	Channeling Device
	Drum
	Temporary Lane Separator
	Tabular Marker
	Chancellor Marker
	Concrete Barbs Marker
	Deflector
	Temporary Barrier Rail
	Pavement Removal
	Sand Barrel Layout
	Crash Cushion (Trap or Point)
	Traffic Signal
	Flare
	Temporary Flanking
	Traffic Sign
	Typical Symbols
	Typical Warning Sign
	Direction of Travel
	Safety Course
	Lane Identification

NOTE: Device spacing according to Standard Road Plans unless specifically dimensioned.

TRAFFIC CONTROL AND STAGING LEGEND AND SYMBOL INFORMATION SHEET

(COVERS SHEET SERIES I)



M4-S, 24" X 12"
M5-S, 36" X 15"
M1-S, 36" X 15"
M6-S, 36" X 15"



MMA, 24" X 12"
M8-S, 36" X 15"
M11-S, 36" X 15"
M12-S, 36" X 15"

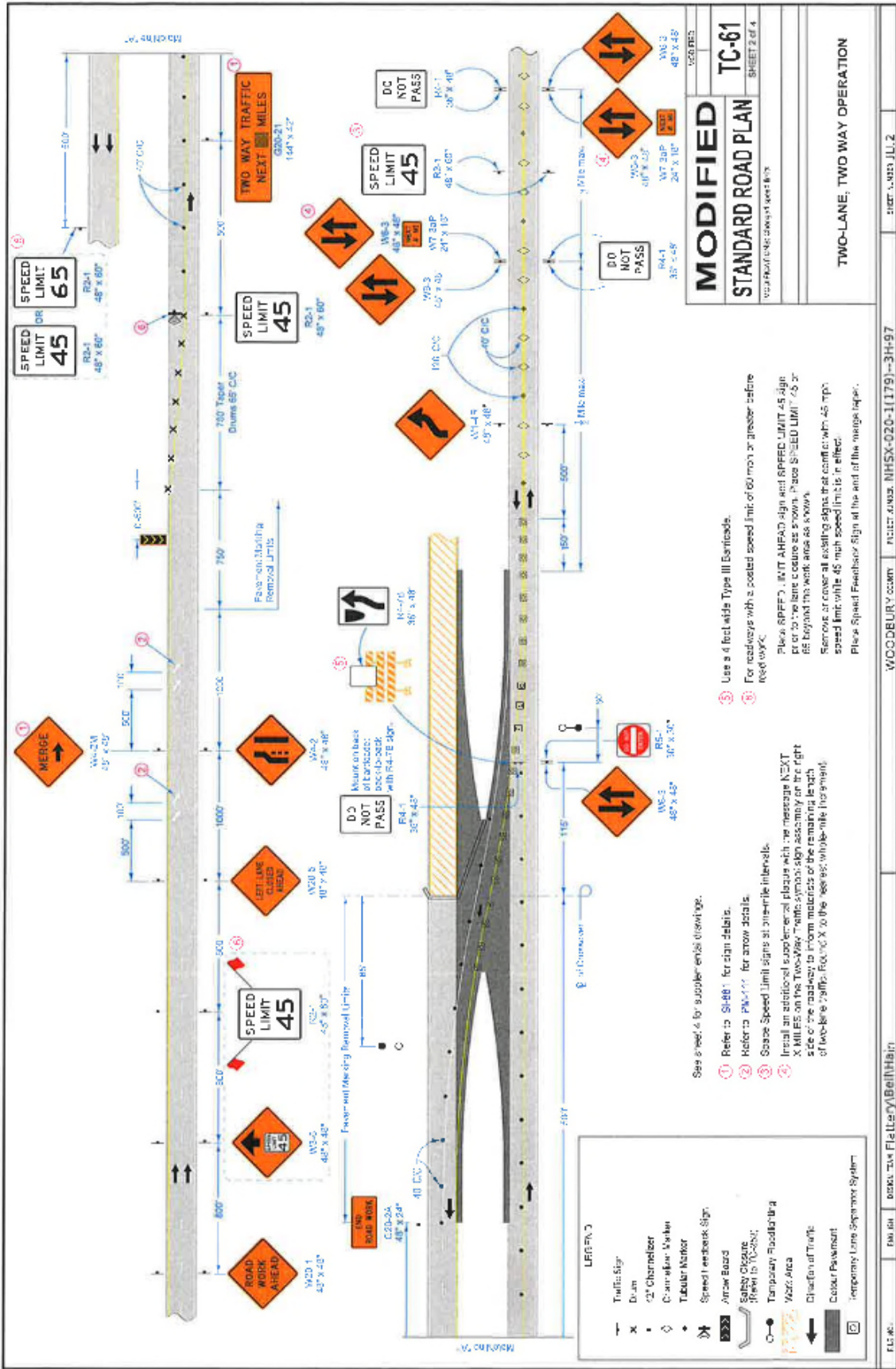


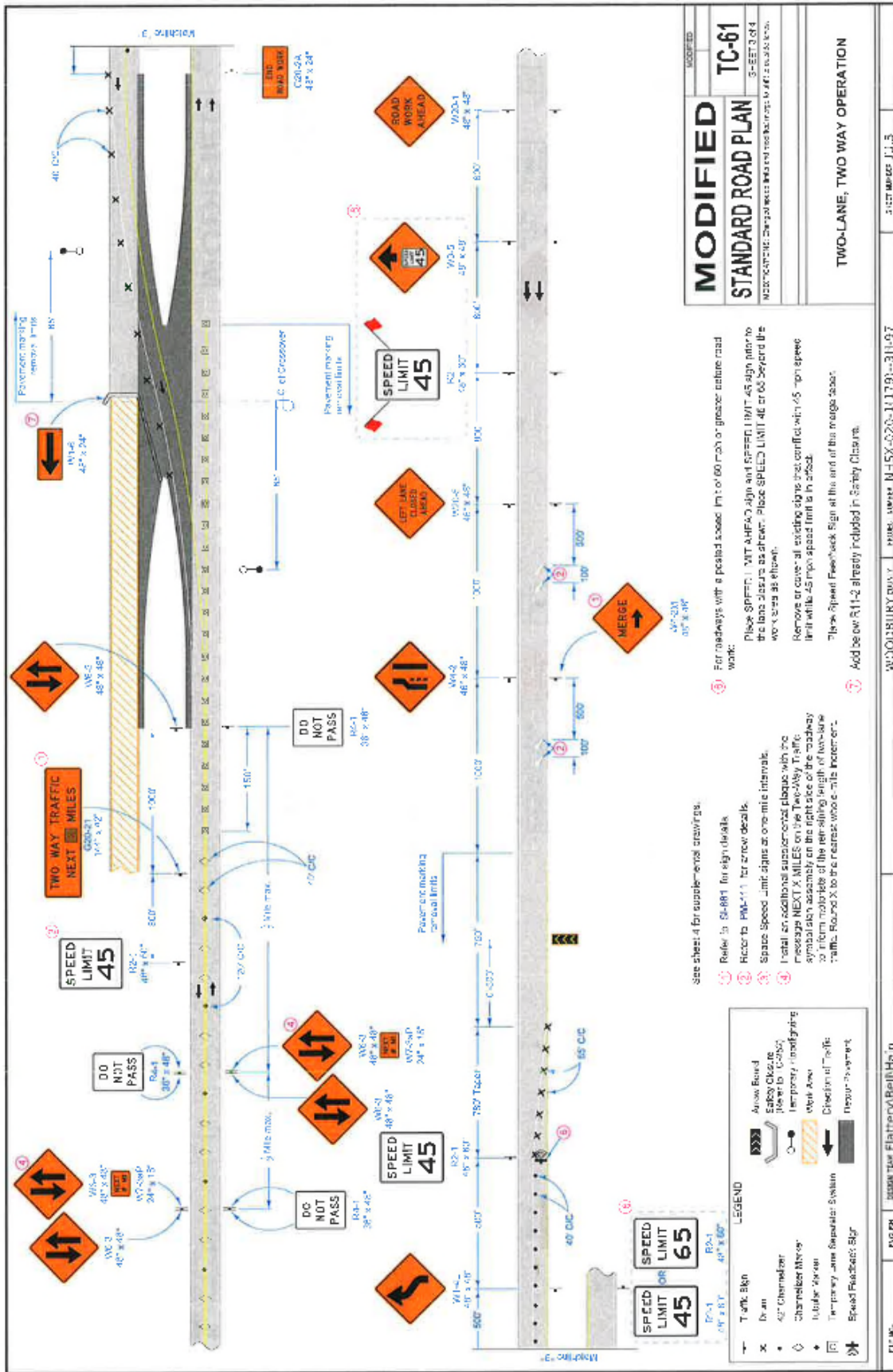
WOODBUCKY.D.1

WOODBUCKY.D.1

WOODBUCKY.D.1

WOODBUCKY.D.1





- See sheet 4 for supplemental drawings.
1. Review to 54-881 for sign details.
 2. Refer to 54-881 for arrow details.
 3. For roadways with a posted speed limit of 60 mph or greater before road work:
 - Place SPECIFIC LIMIT AHEAD sign and SPEED LIMIT 45 sign prior to the lane closure as shown. Place SPEED LIMIT 46 or 60 beyond the work area as shown.
 - Remove or cover all existing signs that conflict with 45 mph speed limit while 45 mph speed limit is in effect.
 - Place Speed Feedback Sign at the end of the merge area.
 - Add one or more R11-2 already included in Safety Clearance.
 4. For roadways with a posted speed limit of 60 mph or greater before road work:
 - Place SPECIFIC LIMIT AHEAD sign and SPEED LIMIT 45 sign prior to the lane closure as shown. Place SPEED LIMIT 46 or 60 beyond the work area as shown.
 - Remove or cover all existing signs that conflict with 45 mph speed limit while 45 mph speed limit is in effect.
 - Place Speed Feedback Sign at the end of the merge area.
 - Add one or more R11-2 already included in Safety Clearance.

LEGEND

Traffic Sign	Arrow Board
By an	Safety Clearance
42" Channelizer	Planer ID - 6000
Channelizer Mover	Temporary Modifying Work Area
Trucker Arrow	Directional Traffic
Temporary Lane Separation System	Recurved Traffic
Speed Feedback Sign	

PROJECT: WOODSURY DIV. 1-2012
 DRAWN BY: J. J. J. J.
 CHECKED BY: J. J. J. J.
 DATE: 3-2013 (4)



CERTIFICATE OF COMPLETION

Lydia Gaunitz

has satisfactorily completed the eTraining requirements prescribed by the Iowa Stormwater Education Partnership (ISWEP) and is hereby granted certification as an:

Iowa Certified Construction Site Pollution Prevention Inspector and Installer

01/14/2022

Issued Date

01/14/2025

Expiration Date

Certifying Organization:
Iowa Stormwater Education Partnership
PO Box 1826
Ames, IA 50010
IowaStormwater.Org

Patricia Sauer, Executive Director
Iowa Stormwater Education Partnership



CERTIFICATE OF COMPLETION

presented to

Lydia Gaunitz

who has successfully completed EPA's Construction General Permit (CGP) Site Inspector Training Course
and passed the final exam

Chris Kloss, Water Permits Division Director



Date Certified: 3/16/2023

Expiration Date: May 17, 2027

By completing this course and passing the final exam, Lydia Gaunitz has complied with the CGP Part 6.3.a training requirements
for conducting construction inspections under the 2022 CGP.





IOWA DOT


SMARTER | SIMPLER | CUSTOMER DRIVEN

This is to certify that

LYDIA M GAUNITZ

has successfully met the testing requirements and is recognized as a

**Certified Erosion Control
Technician**


Program Director

12/31/26

Expiration Date

222035

Certificate No.




This is to certify that

ADAM L LARSON

has successfully met the testing requirements and is recognized as a

**Certified Erosion Control
Technician**


Program Director

12/31/24

Expiration Date

NE962

Certificate No.

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

East Borrow
Parcel SE of Buchanan Avenue & Hwy 20
Sioux City, IA 51106

SWPPP Prepared For:

JB Holland Construction
2092 State Hwy. 9
Decorah, Iowa 52101
(563)382-2901
jbhc@jbholland.net

SWPPP Prepared By:

JB Holland Construction
Lydia Gaunitz
2092 State Hwy. 9
Decorah, Iowa 52101
(563)419-1331
Insert Fax/Email

SWPPP Preparation Date:

03/06/2023

Estimated Project Dates:

Project Start Date: 03/27/2023

Project Completion Date: 12/01/2024

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

JB Holland Construction
Adam Larson
2092 State Hwy. 9
Decorah, Iowa 52101
563-379-3016
alarson@jbhc.biz
Site Supervisor

Operator(s):

JB Holland Construction
Ricky Rosonke
2092 State Hwy. 9
Decorah, Iowa 52101
563-379-3231
rrosonke@jpholland.net

Emergency 24-Hour Contact:

JB Holland Construction
Lydia Gaunitz
(563)419-1331

1.2 Stormwater Team

Storm Water Pollution Prevention Plan (SWPPP)
East Borrow

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Lydia Gaunitz Safety Director (563)419-1331 lgaunitz@jbhc.biz	SWPPP Inspections	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: 3/7/2023

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Lydia Gaunitz Safety Director 5634191331 lgaunitz@jbhc.biz	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input checked="" type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Adam Larson Superintendent 5633793016 alarson@jbhc.biz	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Ricky Rosonke Foreman 5633793231 rrosonke@jholland.net	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?
001	East Morningside Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2.3 Nature of the Construction Activities

General Description of Project

Provide a general description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition:

This temporary borrow site will be used for the renovations to the IDOT Hwy 20 Project. This temporary borrow is atop the crest of a farm field and borrowed material will come from less than 10 acres of the 35.63 acre parcel.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., State disaster declaration or similar State or local declaration), and a description of the construction necessary to reestablish affected public services:

The temporary borrow is being used for the grading on the renovated part of IDOT Hwy 20 Project. No structures will be erected nor are there any building structures on site. Temporary construction trailers may be on site for the duration of the excavation but will not be permanent structures.

Business days and hours for the project: The borrow site is part to a 2+ year Hwy 20 Project and materials will gradually be excavated as JB Holland needs them. The temporary borrow will be operational from 3/2023-11/2023 with the possibility of working 7 days/week during the summer months and tapering to 5 days/week mid fall when the first phase will come to an end. The borrow will again be operational for 2024 until needs are met; not to exceed 12/2024. The borrow pit will be operational throughout the hours of 6:30AM-7:30PM.

Size of Construction Site

Size of Property	35.63 Acres
Total Area Expected to be Disturbed by Construction Activities	10 Acres
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	10 Acres

[Repeat as necessary for individual project phases.]

Type of Construction Site *(check all that apply):*

- Single-Family Residential
 Multi-Family Residential
 Commercial
 Industrial
 Institutional
 Highway or Road
 Utility
 Other: Farm Land

Will you be discharging dewatering water from your site? Yes No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? Yes No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in storm water from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges, and any known hazardous or toxic substances, such as PCBs and asbestos that will be disturbed during construction.

Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
Hydraulic Oil/ Fluids	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
Gasoline	Colorless	Petroleum Hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
Antifreeze	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
Wastewater from Construction	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
Temporary Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
Permanent Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
Erosion	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

Construction Support Activities

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

This land will be used as a borrow pit and earthen materials will be used for the grading of the IDOT Hwy 20 project.

Construction Support Activities

Contact information for construction support activity:
 JB Holland Construction
 5633822901
 jbhcn@jbholland.net

2.4 Sequence and Estimated Dates of Construction Activities

Phase I

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	3/28/2023
Estimated End Date of Construction Activities for this Phase	11/30/2023
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization <i>[start date is contingent on Woodbury County Permitting]</i>
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 <i>[controls will be removed once construction activities have ceased]</i>

Phase II

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	3/1/2024
Estimated End Date of Construction Activities for this Phase	12/1/2024
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 <i>[controls will be removed once construction activities have ceased]</i>

2.5 Authorized Non-Stormwater Discharges

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fire hydrant flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Landscape irrigation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to wash vehicles and equipment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to control dust	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Potable water including uncontaminated water line flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Pavement wash waters	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated air conditioning or compressor condensate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Foundation or footing drains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated construction dewatering water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2.6 Site Maps

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 *Endangered Species Protection*

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- Criterion A:** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

3.2 *Historic Property Screening Process*

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- Dike
- Berm
- Catch Basin
- Pond
- Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)
- Culvert
- Channel
- Other type of ground-disturbing stormwater control:

Appendix E, Step 2

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties? YES NO

3.3 *Safe Drinking Water Act Underground Injection Control Requirements*

Do you plan to install any of the following controls? Check all that apply below.

- Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any receiving waters within 50 feet of your project's earth disturbances? YES NO

Check the compliance alternative that you have chosen:

- (i) I will provide and maintain a 50-foot undisturbed natural buffer.

4.2 Perimeter Controls

General

- Silt Fence
- Earthen Berms
- Vegetative Buffer Strips

Specific Perimeter Controls

Silt Fence	
Description:	Silt Fence/Earthen Berms
Installation	3/27/2023
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem. Routine checks every 7 days
Design Specifications	

Earthen Berms	
Description:	after stripping topsoil
Installation	4/3/2023
Maintenance Requirements	Routine checks every 7 days
Design Specifications	

4.3 Sediment Track-Out

General

- Stabilized construction exits/entrances
- sweeping

Specific Track-Out Controls

Description: entrances/exits will remain paved until nearing completion and then contractors will rock entrances	
Installation	3/27/2023
Maintenance Requirements	Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal
Design Specifications	

4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil

General

- Topsoil Stockpiles will be maintained as located in the Appendix
- Construction sequencing will allow areas to be undisturbed until necessary for construction.
- The smallest vegetated area possible will be disturbed during construction.
- Dewatering related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary sedimentation basin on the project site whenever possible. If dewatering discharges cannot be directed toward an existing silt fence, hay bale structure, or ditch check area, filter bags should be used to contain and filter sediment from the dewatering discharge.
- All erosion control measures shall be inspected at every 7 days and within 24 hours of all storm events greater than 0.5 inches. All measures will be maintained in good working order.
- Built up sediment shall be removed from silt fence at the end of the next business day when it has reached 1/2 the height of the fence.
- Temporary and permanent seeding and/or planting areas will be inspected for bare spots and washouts.
- Stabilized construction entrances will be constructed to help reduce vehicle tracking of sediments.
- A weekly written erosion control schedule will be required. It will discuss, among other items listed in the Construction Specification, how related work to offsite drainage will be incorporated into the weekly erosion plan schedule, how the SWPPP is functioning and any necessary changes that need to be discussed. Fines are subject to a maximum penalty of \$10,000 per violation per day by MPCA.
- A maintenance inspection report will be completed by the Contractor and submitted to the Engineer for each inspection.
- All non-hazardous waste materials will be collected and stored in a secure dumpster or another approved containment method at the end of each day.

- Partially used bags of fertilizer will be transferred to a sealable bin to prevent spills.

Specific Stockpile Controls

Silt fence	
Description: silt fence around down slope of piles	
Installation	4/3/2023
Maintenance Requirements	Seed within 14 day rule
Design Specifications	

4.5 Minimize Dust

General

- Watering

Specific Dust Controls

Description: a water truck will be running the span of the worksite to keep the haul route moist and keep the dust down	
Installation	4/4/2023 on going controls
Maintenance Requirements	Continuous control
Design Specifications	

4.6 Minimize Steep Slope Disturbances

General

- NA
- Slopes on this borrow site will be excavated as to lay at a flatter degree than before excavations

4.7 Topsoil

General

- Stockpile topsoil

Specific Topsoil Controls

stockpiles.	
Description: seed within 14 day rule	
Installation	4/3/2023
Maintenance Requirements	Seed within 14 day rule
Design Specifications	In Appendix

4.8 Soil Compaction

General

- NA

4.9 Storm Drain Inlets

General

- NA

4.10 Constructed Site Drainage Feature

General

- No drainage features needed

4.11 Sediment Basins or Similar Impoundments

General

- No sediment basins will be used at this time

Specific Sediment Basin Controls

Description:	
Installation	
Maintenance Requirements	
Design Specifications	

4.12 Chemical Treatment

Soil Types

List all the soil types including soil types expected to be exposed during construction in areas of the project that will be found in fill material:

1D3	Ida silt loam 9-14% slopes, severely eroded
1E3	Ida silt loam 14-20% slopes, severely eroded
12C	Napier silt loam 5-9% slopes
12B	Napier silt loam 2-5% slopes

Treatment Chemicals

List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: NA

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: NA

Provide information from any applicable Safety Data Sheets (SDS): Foreman has copies of SDS

Describe how each of the chemicals will be stored consistent with CGP Part 2.2.13c: NA

Include references to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: NA

Special Controls for Cationic Treatment Chemicals (if applicable)

If the applicable EPA Regional Office authorized you to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet water quality standards: NA

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems

Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: NA

Training

Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: NA

4.13 Dewatering Practices

General

- NA

Specific Dewatering Practices

Description:

Installation	
Maintenance Requirements	
Design Specifications	

4.14 Other Stormwater Controls

General

- Maintain stabilized grassy areas wherever possible throughout the length of the project

Specific Stormwater Control Practices

Description:	
Installation	
Maintenance Requirements	
Design Specifications	

4.15 Site Stabilization

Total Amount of Land Disturbance Occurring at Any One Time

- Five Acres or less
 More than Five Acres

Use this template box if you are not located in an arid, semi-arid, or drought-stricken area and are not discharging to a sediment- or nutrient-impaired water or Tier 2, Tier 2.5, or Tier 3 water.

<input checked="" type="checkbox"/> Vegetative <input type="checkbox"/> Non-Vegetative <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
Description:	
<ul style="list-style-type: none"> ▪ Temporary Seeding/Permanent seeding ▪ Vegetative strips and undisturbed areas 	
Installation	Ongoing, not to exceed 14 day rule
Completion	4/29/2023
Maintenance Requirements	7 day maintenance check 0-14 day rule Rain event maintenance check
Design Specifications	

SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
Hydraulic Oil/ Fluids	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
Gasoline	Colorless	Petroleum Hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
Antifreeze	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
Wastewater from Construction	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
Temporary Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
Permanent Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
Erosion	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

5.2 Spill Prevention and Response

- All vehicles left onsite will be monitored for leaks to reduce the chance of contamination.
- Petroleum products will be stored in tightly sealed, properly labeled containers. An effort will be made to store only enough products required to complete the job.
- Products will be kept in their original containers with the original manufacturer's label. Manufacturers' recommendations for proper use and disposal will be followed.
- Materials and equipment necessary for spill cleanup will be kept in the temporary material storage trailer onsite.
- All spills will be cleaned up immediately upon discovery. Spills large enough to reach the storm conveyance system will be reported to the MPCA State Duty Office (800)-422-0798.
- The Contractor shall comply with applicable State and local waste disposal, sanitary sewer, or septic system regulations. In the event of a conflict with other government laws, rules and regulations, the more restrictive laws, rules or regulations shall govern.

5.3 Fueling and Maintenance of Equipment or Vehicles

General

Specific Pollution Prevention Practices

Secondary containment	
Description: all fueling stations will be protected by secondary containment but will not likely be on site of borrow	
Implementation	Immediately upon mobe
Maintenance Requirements	Jobsite checks will be periodical and these will be inspected
Design Specifications	

5.4 Washing of Equipment and Vehicles

General

- NA- equipment washing will not take place on site
- External washing of trucks and construction vehicles will not be permitted.
- Engine degreasing is not allowed on site.

Specific Pollution Prevention Practices

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

5.5.1 Building Materials and Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

General

- No Building materials will be on site

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- JB Holland will not use pesticides, herbicides, insecticides or fertilizers of any kind

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- JB Holland will not have fluids in excess of 55 gallons on site. Fueling practices will be off site of the borrow
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.)

General

- Fluids for equipment may be considered as hazardous or toxic waste
- Non-hazardous waste such as collected sediment, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes shall be stockpiled at an approved location.
- All non-hazardous waste shall be disposed of properly and in accordance with State recommended methods

Specific Pollution Prevention Practices

Equipment Fluids	
Description:	any leaks or spills will be reported immediately and cleaned up
Implementation	Ongoing controls
Maintenance Requirements	Pre-shift inspections and any time an employee re-enters the equipment
Design Specifications	

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris, and other trash or discarded materials.)

General

- No construction waste will be on site
- There will be a waste receptacle outside the borrow site that will be utilized
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.5.6 Sanitary Waste

General

- No sanitary waste will be on site

5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release Oils, Cutting Compounds, or Other Materials

General

- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.7 Application of Fertilizers

General

- JB Holland will not be applying fertilizers
- Temporary seeding will be of Iowa native grasses

5.8 Other Pollution Prevention Practices

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply and indicate which portion(s) of the site it applies to.)

Standard Frequency:
<input checked="" type="checkbox"/> Every 7 calendar days
<input checked="" type="checkbox"/> Every 14 calendar days and within 24 hours of either: <ul style="list-style-type: none">▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or▪ A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.
Increased Frequency (if applicable):
For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3
<input type="checkbox"/> Every 7 days and within 24 hours of either: <ul style="list-style-type: none">▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period, or▪ A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.
Reduced Frequency (if applicable)

Dewatering Inspection Schedule

Dewatering Inspection
<input checked="" type="checkbox"/> Once per day on which the discharge of dewatering water occurs.

Rain Gauge Location (if applicable)

Rain Gauge will be off site near jobsite trailer

Inspection Report Forms

6.2 Corrective Action

Personnel Responsible for Corrective Actions

JB Holland Construction

Corrective Action Logs

Copies will be attached to the SWPPP

6.3 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

JB Holland Construction
Lydia Gaunitz
Environmental Health & Safety Officer
2092 State Highway 9
Decorah, Iowa 52101
563-382-2901
Lgaunitz@jbhc.biz

SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

-NA

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____ Title: _____

Signature: _____ Date: _____

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Site Inspection Form and Dewatering Inspection Form (if applicable)

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications/Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Documentation

Appendix J – Delegation of Authority

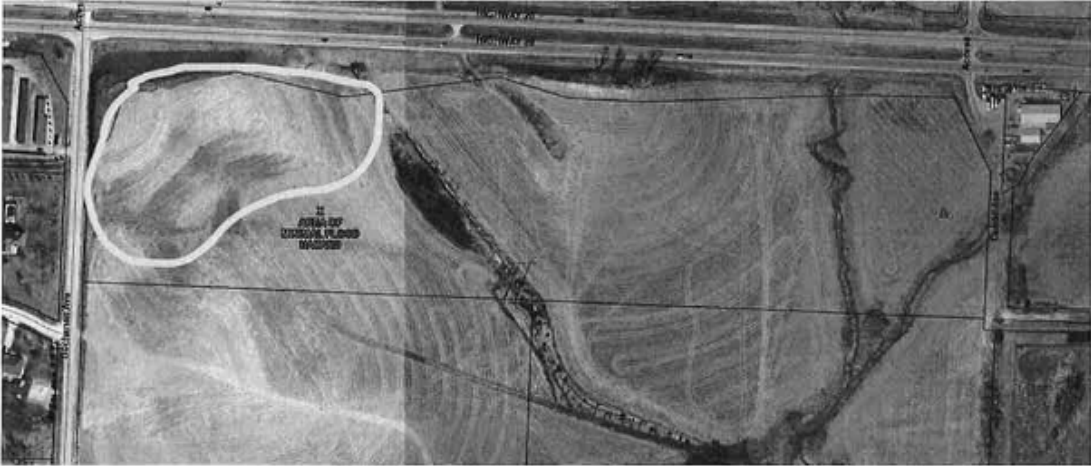
Appendix K – Endangered Species Documentation

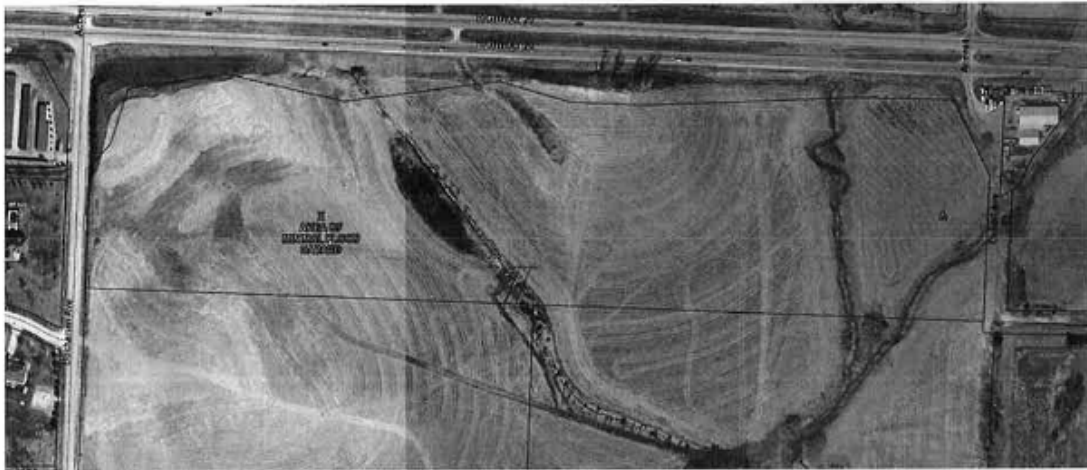
Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions

Appendix A – Site Maps





Appendix B – Copy of 2022 CGP

Appendix C – Copy of NOI

Appendix D – Copy of Site and Dewatering Inspection Forms

Appendix E – Copy of Corrective Action Log

Appendix F -- SWPPP Amendment Log

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: JB Holland Construction

Address: 2092 State Hwy 9 Decorah, IA 52101

Telephone Number: (563)382-2901

Type of construction service to be provided: borrow site for earthen materials

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures Initiated
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	

Appendix I -Training Documentation

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Appendix L – Historic Properties Documentation

Will be attached when complete

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

Appendix N – Turbidity Monitoring Sampling Documentation

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

West Borrow
Parcel SE of Hwy 75 & Hwy 20
Sioux City, IA 51106

SWPPP Prepared For:

JB Holland Construction
2092 State Hwy. 9
Decorah, Iowa 52101
(563)382-2901
jbhc@jbholland.net

SWPPP Prepared By:

JB Holland Construction
Lydia Gaunitz
2092 State Hwy. 9
Decorah, Iowa 52101
(563)419-1331
Insert Fax/Email

SWPPP Preparation Date:

03/06/2023

Estimated Project Dates:

Project Start Date: 03/27/2023

Project Completion Date: 12/01/2024

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

JB Holland Construction
Adam Larson
2092 State Hwy. 9
Decorah, Iowa 52101
563-379-3016
alarson@jbhc.biz
Site Supervisor

Operator(s):

JB Holland Construction
Ricky Rosonke
2092 State Hwy. 9
Decorah, Iowa 52101
563-379-3231
rrosonke@joholland.net

Emergency 24-Hour Contact:

JB Holland Construction
Lydia Gaunitz
(563)419-1331

1.2 Stormwater Team

Storm Water Pollution Prevention Plan (SWPPP)
West Borrow

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Lydia Gaunitz Safety Director (563)419-1331 lgaunitz@jbhc.biz	SWPPP Inspections	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: 3/7/2023

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Lydia Gaunitz Safety Director 5634191331 lgaunitz@jbhc.biz	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input checked="" type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Adam Larson Superintendent 5633793016 alarson@jbhc.biz	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Ricky Rosonko Foremen 5633793231 rrosonke@jholland.net	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: West Borrow
Street/Location: intersection of Hwy 75 & Hwy 20
City: Sioux City
State: Iowa
ZIP Code: 51106
County or Similar Government Division: Woodbury

Project Latitude/Longitude

Latitude: 42.4743824° N Longitude: - 96.3193552 ° W
(decimal degrees) (decimal degrees)

Latitude/longitude data source: Map GPS Other (please specify):

Additional Site Information

Is your site located on Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? Yes No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property:

2.2 Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? Yes No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? Yes No

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?
001	East Morningside Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2.3 Nature of the Construction Activities

General Description of Project

Provide a general description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition:

This temporary borrow site will be used for the renovations to the IDOT Hwy 20 Project. This temporary borrow is atop the crest of a farm field and borrowed material will come from less than 10 acres of the 19.3 acre parcel.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., State disaster declaration or similar State or local declaration), and a description of the construction necessary to reestablish affected public services:

The temporary borrow is being used for the grading on the renovated part of IDOT Hwy 20 Project. No structures will be erected nor are there any building structures on site. Temporary construction trailers may be on site for the duration of the excavation but will not be permanent structures.

Business days and hours for the project: The borrow site is part to a 2+ year Hwy 20 Project and materials will gradually be excavated as JB Holland needs them. The temporary borrow will be operational from 3/2023-11/2023 with the possibility of working 7 days/week during the summer months and tapering to 5 days/week mid fall when the first phase will come to an end. The borrow will again be operational for 2024 until needs are met; not to exceed 12/2024. The borrow pit will be operational throughout the hours of 6:30AM-7:30PM.

Size of Construction Site

Size of Property	19.3 Acres
Total Area Expected to be Disturbed by Construction Activities	10 Acres
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	10 Acres

[Repeat as necessary for individual project phases.]

Type of Construction Site *(check all that apply):*

- Single-Family Residential
 Multi-Family Residential
 Commercial
 Industrial
 Institutional
 Highway or Road
 Utility
 Other: Farm Land

Will you be discharging dewatering water from your site? Yes No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? Yes No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in storm water from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges, and any known hazardous or toxic substances, such as PCBs and asbestos that will be disturbed during construction.

Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
Hydraulic Oil/ Fluids	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
Gasoline	Colorless	Petroleum hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
Antifreeze	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
Wastewater from Construction	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
Temporary Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
Permanent Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
Erosion	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

Construction Support Activities

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

This land will be used as a borrow pit and earthen materials will be used for the grading of the IDOT Hwy 20 project.

Construction Support Activities

Contact information for construction support activity:
 JB Holland Construction
 5633822901
 jbhcn@jbholland.net

2.4 Sequence and Estimated Dates of Construction Activities

Phase I

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	3/28/2023
Estimated End Date of Construction Activities for this Phase	11/30/2023
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization <i>[start date is contingent on Woodbury County Permitting]</i>
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 <i>[controls will be removed once construction activities have ceased]</i>

Phase II

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	3/1/2024
Estimated End Date of Construction Activities for this Phase	12/1/2024
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 <i>[controls will be removed once construction activities have ceased]</i>

2.5 Authorized Non-Stormwater Discharges

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fire hydrant flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Landscape irrigation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to wash vehicles and equipment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to control dust	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Potable water including uncontaminated water line flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Pavement wash waters	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated air conditioning or compressor condensate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Foundation or footing drains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated construction dewatering water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2.6 Site Maps

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 *Endangered Species Protection*

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- Criterion A:** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

3.2 *Historic Property Screening Process*

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- Dike
- Berm
- Catch Basin
- Pond
- Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)
- Culvert
- Channel
- Other type of ground-disturbing stormwater control:

Appendix E, Step 2

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties? YES NO

3.3 *Safe Drinking Water Act Underground Injection Control Requirements*

Do you plan to install any of the following controls? Check all that apply below.

- Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any receiving waters within 50 feet of your project's earth disturbances? YES NO

Check the compliance alternative that you have chosen:

- (i) I will provide and maintain a 50-foot undisturbed natural buffer.

4.2 Perimeter Controls

General

- Silt Fence
- Earthen Berms
- Vegetative Buffer Strips

Specific Perimeter Controls

Silt Fence	
Description:	Silt Fence/Earthen Berms
Installation	3/27/2023
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem. Routine checks every 7 days
Design Specifications	

Earthen Berms	
Description:	after stripping topsoil
Installation	4/3/2023
Maintenance Requirements	Routine checks every 7 days
Design Specifications	

4.3 Sediment Track-Out

General

- Stabilized construction exits/entrances
- sweeping

Specific Track-Out Controls

Description: entrances/exits will remain paved until nearing completion and then contractors will rock entrances	
Installation	3/27/2023
Maintenance Requirements	Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal
Design Specifications	

4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil

General

- Topsoil Stockpiles will be maintained as located in the Appendix
- Construction sequencing will allow areas to be undisturbed until necessary for construction.
- The smallest vegetated area possible will be disturbed during construction.
- Dewatering related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary sedimentation basin on the project site whenever possible. If dewatering discharges cannot be directed toward an existing silt fence, hay bale structure, or ditch check area, filter bags should be used to contain and filter sediment from the dewatering discharge.
- All erosion control measures shall be inspected at every 7 days and within 24 hours of all storm events greater than 0.5 inches. All measures will be maintained in good working order.
- Built up sediment shall be removed from silt fence at the end of the next business day when it has reached 1/2 the height of the fence.
- Temporary and permanent seeding and/or planting areas will be inspected for bare spots and washouts.
- Stabilized construction entrances will be constructed to help reduce vehicle tracking of sediments.
- A weekly written erosion control schedule will be required. It will discuss, among other items listed in the Construction Specification, how related work to offsite drainage will be incorporated into the weekly erosion plan schedule, how the SWPPP is functioning and any necessary changes that need to be discussed. Fines are subject to a maximum penalty of \$10,000 per violation per day by MPCA.
- A maintenance inspection report will be completed by the Contractor and submitted to the Engineer for each inspection.
- All non-hazardous waste materials will be collected and stored in a secure dumpster or another approved containment method at the end of each day.

- Partially used bags of fertilizer will be transferred to a sealable bin to prevent spills.

Specific Stockpile Controls

Silt fence	
Description: silt fence around down slope of piles	
Installation	4/3/2023
Maintenance Requirements	Seed within 14 day rule
Design Specifications	

4.5 Minimize Dust

General

- Watering

Specific Dust Controls

Description: a water truck will be running the span of the worksite to keep the haul route moist and keep the dust down	
Installation	4/4/2023 on going controls
Maintenance Requirements	Continuous control
Design Specifications	

4.6 Minimize Steep Slope Disturbances

General

- NA
- Slopes on this borrow site will be excavated as to lay at a flatter degree than before excavations

4.7 Topsoil

General

- Stockpile topsoil

Specific Topsoil Controls

stockpiles	
Description: seed within 14 day rule	
Installation	4/3/2023
Maintenance Requirements	Seed within 14 day rule
Design Specifications	In Appendix

4.8 Soil Compaction

General

- NA

4.9 Storm Drain Inlets

General

- NA

4.10 Constructed Site Drainage Feature

General

- No drainage features needed

4.11 Sediment Basins or Similar Impoundments

General

- No sediment basins will be used at this time

Specific Sediment Basin Controls

Description:	
Installation	
Maintenance Requirements	
Design Specifications	

4.12 Chemical Treatment

Soil Types

List all the soil types including soil types expected to be exposed during construction in areas of the project that will be found in fill material:

1D3	Ida silt loam 9-14% slopes, severely eroded
10D2	Monona silt loam 9-14% slopes, eroded
1E3	Ida silt loam 14-20% slopes, severely eroded
12C	Napier silt loam 5-9% slopes
12B	Napier silt loam 2-5% slopes

Treatment Chemicals

List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: NA

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: NA

Provide information from any applicable Safety Data Sheets (SDS): Foremen has copies of SDS

Describe how each of the chemicals will be stored consistent with CGP Part 2.2.13c: NA

Include references to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: NA

Special Controls for Cationic Treatment Chemicals (if applicable)

If the applicable EPA Regional Office authorized you to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet water quality standards: NA

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems

Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: NA

Training

Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: NA

4.13 Dewatering Practices

General

- NA

Specific Dewatering Practices

Description:	
Installation	
Maintenance Requirements	
Design Specifications	

4.14 Other Stormwater Controls

General

- Maintain stabilized grassy areas wherever possible throughout the length of the project

Specific Stormwater Control Practices

Description:	
Installation	
Maintenance Requirements	
Design Specifications	

4.15 Site Stabilization

Total Amount of Land Disturbance Occurring at Any One Time

- Five Acres or less
 More than Five Acres

Use this template box if you are not located in an arid, semi-arid, or drought-stricken area and are not discharging to a sediment- or nutrient-impaired water or Tier 2, Tier 2.5, or Tier 3 water.

<input checked="" type="checkbox"/> Vegetative <input type="checkbox"/> Non-Vegetative <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
Description:	
<ul style="list-style-type: none"> ▪ Temporary Seeding/Permanent seeding ▪ Vegetative strips and undisturbed areas 	
Installation	Ongoing, not to exceed 14 day rule
Completion	4/29/2023
Maintenance Requirements	7 day maintenance check 0-14 day rule Rain event maintenance check
Design Specifications	

SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
Hydraulic Oil/ Fluids	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
Gasoline	Colorless	Petroleum Hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
Antifreeze	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
Wastewater from Construction	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
Temporary Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
Permanent Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
Erosion	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

5.2 Spill Prevention and Response

- All vehicles left onsite will be monitored for leaks to reduce the chance of contamination.
- Petroleum products will be stored in tightly sealed, properly labeled containers. An effort will be made to store only enough products required to complete the job.
- Products will be kept in their original containers with the original manufacturer's label. Manufacturers' recommendations for proper use and disposal will be followed.
- Materials and equipment necessary for spill cleanup will be kept in the temporary material storage trailer onsite.
- All spills will be cleaned up immediately upon discovery. Spills large enough to reach the storm conveyance system will be reported to the MPCA State Duty Office (800)-422-0798.
- The Contractor shall comply with applicable State and local waste disposal, sanitary sewer, or septic system regulations. In the event of a conflict with other government laws, rules and regulations, the more restrictive laws, rules or regulations shall govern.

5.3 Fueling and Maintenance of Equipment or Vehicles

General

Specific Pollution Prevention Practices

Secondary containment	
Description: all fueling stations will be protected by secondary containment but will not likely be on site of borrow	
Implementation	Immediately upon mobe
Maintenance Requirements	Jobsite checks will be periodical and these will be inspected
Design Specifications	

5.4 Washing of Equipment and Vehicles

General

- NA- equipment washing will not take place on site
- External washing of trucks and construction vehicles will not be permitted.
- Engine degreasing is not allowed on site.

Specific Pollution Prevention Practices

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

5.5.1 Building Materials and Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

General

- No Building materials will be on site

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- JB Holland will not use pesticides, herbicides, insecticides or fertilizers of any kind

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- JB Holland will not have fluids in excess of 55 gallons on site. Fueling practices will be off site of the borrow
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.)

General

- Fluids for equipment may be considered as hazardous or toxic waste
- Non-hazardous waste such as collected sediment, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes shall be stockpiled at an approved location.
- All non-hazardous waste shall be disposed of properly and in accordance with State recommended methods

Specific Pollution Prevention Practices

Equipment Fluids	
Description:	any leaks or spills will be reported immediately and cleaned up
Implementation	Ongoing controls
Maintenance Requirements	Pre-shift inspections and any time an employee re-enters the equipment
Design Specifications	

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris, and other trash or discarded materials.)

General

- No construction waste will be on site
- There will be a waste receptacle outside the borrow site that will be utilized
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.5.6 Sanitary Waste

General

- No sanitary waste will be on site

5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release Oils, Cutting Compounds, or Other Materials

General

- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

5.7 Application of Fertilizers

General

- JB Holland will not be applying fertilizers
- Temporary seeding will be of Iowa native grasses

5.8 Other Pollution Prevention Practices

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply and indicate which portion(s) of the site it applies to.)

Standard Frequency:
<input checked="" type="checkbox"/> Every 7 calendar days
<input checked="" type="checkbox"/> Every 14 calendar days and within 24 hours of either: <ul style="list-style-type: none">▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or▪ A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.
Increased Frequency (if applicable):
For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3
<input type="checkbox"/> Every 7 days and within 24 hours of either: <ul style="list-style-type: none">▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period, or▪ A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.
Reduced Frequency (if applicable)

Dewatering Inspection Schedule

Dewatering Inspection
<input checked="" type="checkbox"/> Once per day on which the discharge of dewatering water occurs.

Rain Gauge Location (if applicable)

Rain Gauge will be off site near jobsite trailer

Inspection Report Forms

6.2 Corrective Action

Personnel Responsible for Corrective Actions

Lydia Gaunitz, Environmental Health & Safety Officer

Corrective Action Logs

Copies will be attached to the SWPPP

6.3 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

JB Holland Construction
Lydia Gaunitz
Environmental Health & Safety Officer
2092 State Highway 9
Decorah, Iowa 52101
563-382-2901
Lgaunitz@jbhc.biz

SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

-NA

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____ Title: _____

Signature: _____ Date: _____

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Site Inspection Form and Dewatering Inspection Form (if applicable)

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications/Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Documentation

Appendix J – Delegation of Authority

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording

Appendix N – Turbidity Mefer Manual and Manufacturer's Instructions

Appendix B – Copy of 2022 CGP

Appendix C – Copy of NOI

Appendix D – Copy of Site and Dewatering Inspection Forms

Appendix E – Copy of Corrective Action Log

Appendix F – SWPPP Amendment Log

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: JB Holland Construction

Address: 2092 State Hwy 9 Decarah, IA 52101

Telephone Number: (563)382-2901

Type of construction service to be provided: barrow site for earthen materials

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures Initiated
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	

Appendix I –Training Documentation

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Appendix L – Historic Properties Documentation

Will be attached when complete

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

Appendix N – Turbidity Monitoring Sampling Documentation



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

SOLAR ENERGY REQUIREMENTS IN WOODBURY COUNTY

On April 4, 2023, the Woodbury County Board of Supervisors directed zoning to evaluate solar power in the unincorporated areas of the county.

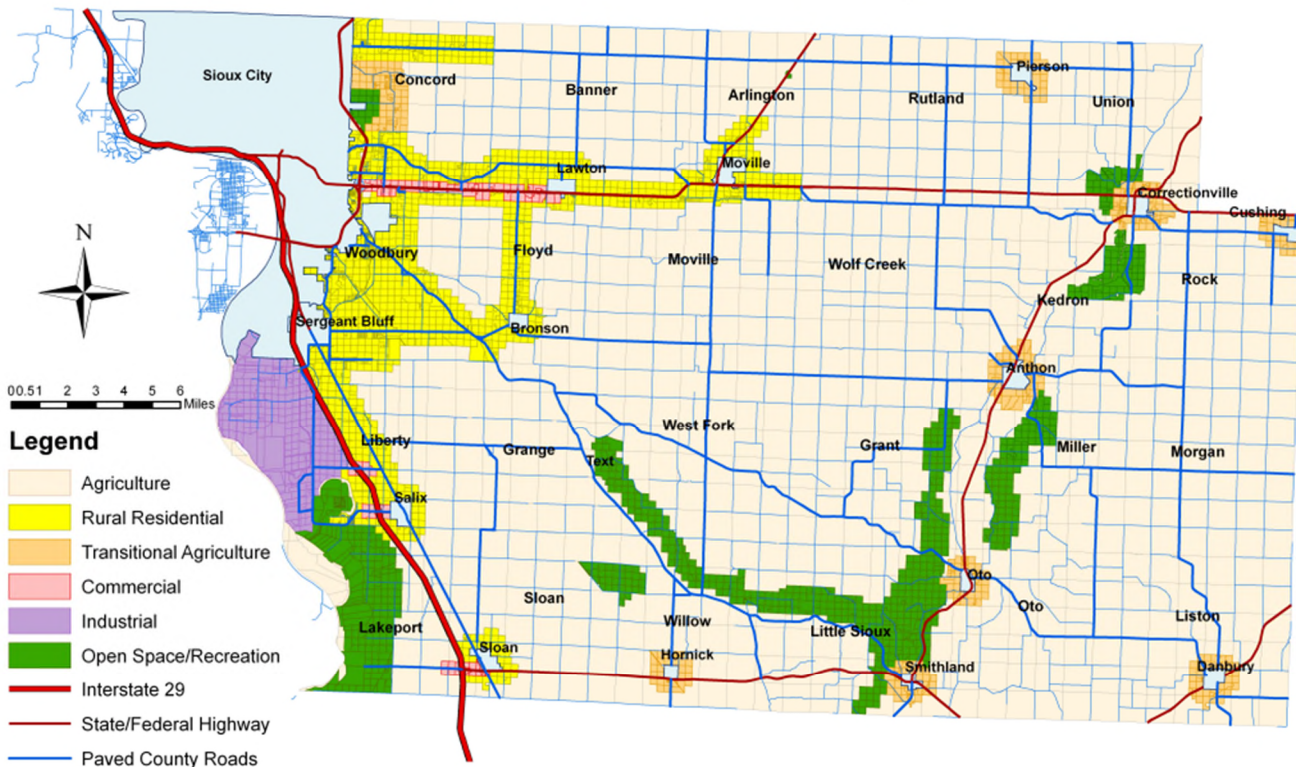
CURRENT ZONING FOR SOLAR

Solar energy generation can be classified into two categories including personal or private and utility scale systems. The permitting or allowed use of solar panels in Woodbury County is three-fold. **First**, utility solar scale systems are only allowed for consideration as a conditional use in the General Industrial (GI) Zoning District. They are prohibited in all of the other zoning classifications. **Second**, personal or private systems are considered in each zoning district via the conditional use permit process. Lastly, it is possible that the Agricultural Exemption in Iowa Code 335.2 could be invoked for farms to utilize solar energy as a means of supporting their operation by being primarily adapted agricultural purposes.

As noted, the Woodbury County Zoning Ordinance prohibits commercial **large-scale electrical energy generation (not including wind)** in each zoning district except for General Industrial (GI). Within the GI Zoning District, a conditional use permit application is required to be reviewed by the Zoning Commission and considered for approval by the Board of Adjustment. Under this policy, utility scale solar panel systems are prohibited on farmland (and all districts except GI) unless a farming operation uses them under the parameters of the agricultural exemption as enumerated in Iowa Code 335.2.

If there is no agricultural exemption and the landowner resides on agricultural land, the ordinance prohibits electric energy generation (not including wind). If a landowner desires to use several acres of land in the Agricultural Preservation (AP) Zoning District, they would first need to achieve a rezone from the AP to the GI Zoning District. However, since spot zoning by convention is not a widely accepted practice, and that much of the future land use map does not provide for industrial activities in agricultural areas (see Future Land Use Map below), the chances are minimal for the zoning designation to change in order to consider a commercial solar conditional use permit on AP zoned land.

Future Land Use Map

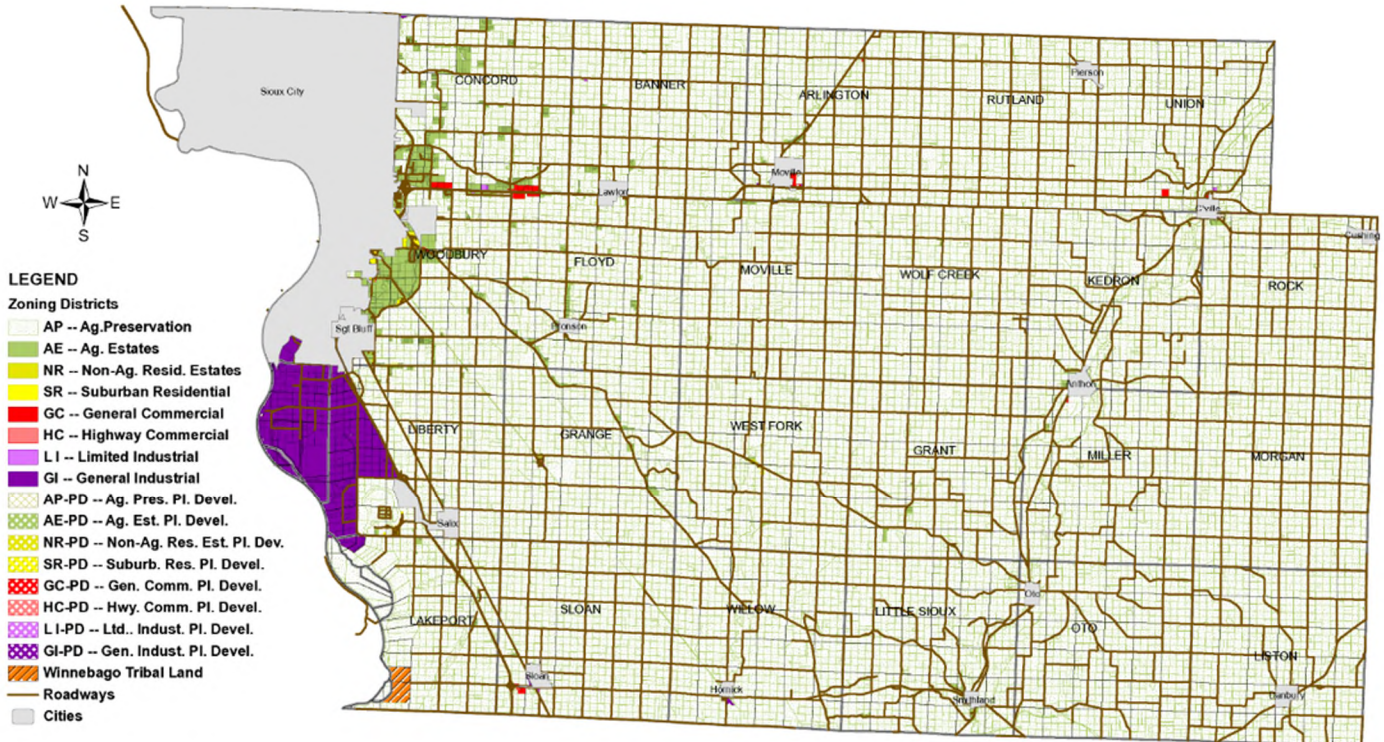


Planning for 2025

The Woodbury County General Development Plan

Adopted November 22, 2005

Zoning Map of Woodbury County, Iowa



Adopted July 22, 2008

Woodbury County Zoning Map

Residential solar panels are not referenced in the ordinance. However, it has been an interpretation under Section 3.03 (see excerpt below) that electric wind generation (private use) is the most comparable use to solar panels for private use.

3. Interpretation and updating. The listing of uses in the table in subsection 3.03-4 is intended to be comprehensive; however, it is certain to be incomplete due to omissions or new uses that will be developed in the future. The zoning director shall interpret which uses found in the Land Use Summary Table are comparable to an unlisted use or which zoning districts are appropriate for such use to be allowed as either principal allowed, conditional or accessory uses. The table in subsection 3.03-4 may be updated pursuant to the procedure outlined in Section 2.03 from time to time to reflect legislative acceptance or rejection of the interpretations of the zoning director.

1 - Excerpt from Woodbury County's Zoning Ordinance (p. 39).

https://www.woodburycountyiowa.gov/files/community_economic_development/zoning_ordinance_86604.pdf

Therefore, in order to have residential solar panels as an accessory structure in the unincorporated areas, residents must go through the conditional use permit process which would entail review by the Zoning Commission and consideration for approval by the Zoning Commission.

	AP	AE	NR	SR	GC	HC	LI	GI
Utilities								
Electrical energy generation (not incl. wind)	-	-	-	-	-	-	-	C
Electrical energy wind generation (Commercial)	C	-	-	-	-	-	-	C
Sewage treatment plants	C	C	C	C	C	C	C	C
Utility substations	ok	ok	-	-	ok	-	-	ok
Electric wind generator (Private use)	C	C	C	C	C	C	C	C
Sewage treatment for subdivision	C	C	C	C	C	C	C	C
Sewage lagoon	C	C	C	C	C	C	C	C
Water storage tanks	C	C	C	C	C	C	C	C

2 - Excerpt from Woodbury County's Zoning Ordinance (p. 39).

https://www.woodburycountyiowa.gov/files/community_economic_development/zoning_ordinance_86604.pdf

DEVELOPMENT PLAN AND ZONING ORDINANCE

The Woodbury County General Development Plan from 2005 offers goals and policies based the following vision:

*Where, sharing a strong sense of community, good people live freely without fear or want;
Where all people and businesses prosper, rooted in a diverse agriculturally-based economy;
Where stewardship of natural resources is a matter of individual and community pride and ownership;
Where government exists to serve people and to protect the public health, safety and welfare.*

The broad goals derived from this statement include: land use; economic development; agricultural; commercial and industrial business; residential; parks and recreation; conservation and environmental; facilities and operations; public safety; and transportation. Thus, each possesses a set of priorities that must be prudently balanced when considering future land use measures.

In terms of land use, the plan calls for growth through stable development. Land Use Goal 1.1 states “adopt a land use plan that designates areas for anticipated future population and business growth needs of the county” (Woodbury County General Development Plan, 2005, p. 18). Land Use Goal 1.2 states “adopt development regulations (i.e. zoning and subdivision regulations) that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure” (Development, 2005, p. 18). Thus, the intent for stable development is through the use of zoning districts which designates locations as to whether a particular use is acceptable or not. The Woodbury County Zoning Ordinance, as adopted in 2008, classified electrical energy generation as an industrial use and placed it within the GI Zoning District and omitted its use from the other districts.

Both the development plan and the zoning ordinance offer support for renewable energy access. In particular, the plan’s Economic Development Goal 2.5 is to “fully explore alternative renewable energy sources, particularly wind generation facilities both as a contribution to the total energy needs of the county and as a new source of income for property owners” (Development, 2005, p. 19). Section 1.02.2(J) of the zoning ordinance indicates “promoting conservation of energy resources and reasonable access to solar energy” (Woodbury County Zoning Ordinance, p. 1).

It is apparent that renewable technology has evolved since 2008. Therefore, it is the intention of this report to evaluate whether or not it is necessary to re-examine both residential and commercial use of renewable solar technology.

POSSIBLE OPTIONS

Based on Sioux City and other county’s policies – see next section, there is a clear difference between solar panels to power a house, business, or industrial facility as an accessory structure (private) versus a commercial electrical generation enterprise (utility scale). Sioux City’s designation of solar as an on-premises accessory asset is less restrictive than the current Woodbury County policy. However, the task at hand is to evaluate whether the county should reflect Sioux City’s policy for accessory solar as well as evaluate whether additional zoning districts could be considered for utility scale solar beyond the GI Zoning District. Based on research of other communities, it appears that the Conditional Use Permit or Special Use Permit process is used for Utility Scale Commercial Solar Energy Systems in places such as Clinton, Dubuque, Johnson, Louisa, Monona, and Story Counties. However, the top difference between Woodbury and other jurisdictions is to whether utility scale solar should be allowed for consideration in agricultural districts. In terms of accessory private or personal use to power an individual property, solar panels are permitted as accessory structures in places such as Sioux City, Clinton, Johnson, Linn, Louisa, Monona, and Polk Counties.

Accessory Solar (Residential, Commercial, and Industrial)

- Summary: Establish stand-alone ordinance, amend existing ordinance, or keep the same policy.
- On page 39, add “Social Energy Generation (Private use)” under the “Utilities” category. Then for each Zoning District category including AP, AE, NR, SR, GC, HC, LI, and GI, add the letter “A” to each column as an “Accessory Use.”
 - o This would enable property owners to add solar panels as accessory structures via the building permit process where they must meet the “Zoning District Dimensional Standards.”
 - o This would also require for each property to already have an existing primary or principal use (e.g. – Single-Family Dwelling, Commercial Business, Industrial Facility, etc.). The solar panels system would be accessory to a primary use.
- Accessory to support a farm – AG Exempt

Commercial Solar

- Summary: Establish stand-alone ordinance, amend existing ordinance, or keep the same policy.
- Keep the ordinance exactly the same and commercial solar restricted to “General Industrial” areas only.
 - o Requires rezone to GI and approval of CUP.
 - o Example Projects: MidAmerican Energy (Parcel #874720300006)
 - Zoning Commission Review: September 28, 2020
 - Board of Adjustment Approval: October 5, 2020
- Amend the ordinance to establish “Conditional Use” permit opportunities for commercial solar systems in additional zoning districts such as AP, GC, LI, or other districts.
- Explore the concept/feasibility of a Planned Development Overlay Zoning District.

CITY OF SIOUX CITY SOLAR REGULATIONS - EXCERPTS

The City of Sioux City, the largest incorporated community in Woodbury County allows for residential solar panels as accessory structures in residential, commercial, and industrial areas. However, they do not have language for a standalone or principal use. Landowners in dense areas are allowed to install solar arrays as accessory structures as long as there is an appropriate principal use. Below are excerpts/references to residential solar in Sioux City's code.

The full Sioux City Code of Ordinances is available at the following link:

<https://online.encodeplus.com/regs/siouxcity-ia/doc-viewer.aspx#secid-4364>

TITLE 25 ZONING AND SIGN CODE

Contents:

CHAPTER 25.03 DEVELOPMENT STANDARDS

SUBCHAPTER 25.03-B ACCESSORY AND SUPPLEMENTAL STANDARDS

Sec. 25.03.080 All Uses

Subsection 25.03.080.4 Solar Arrays

1. **Generally.** Solar arrays are allowed as provided in this Item.
2. **Exemption.** Solar arrays and energy storage units are exempt from the requirement of obtaining a certificate of occupancy, as set out in Subsection [237](#), *Certificate of Occupancy*.
3. **Height and Area Exceptions.** Solar arrays and their condensers and energy storage units may exceed the height limit and encroach into the required yards of the district in which they are located, subject to the standards and limitations set out in Section [603](#), *Height and Area Exceptions*.
4. **Standards.** The following standards apply to all solar arrays:
 - a. *Roof-Mounts.* Solar arrays may be roof-mounted on principal buildings and accessory buildings.
 - b. *Ground-Mounts.* Ground- or structure-mounted (not mounted on buildings) solar arrays shall be set back from property lines distances equal to that of detached accessory buildings, subject to the encroachment allowances set out in Section [603](#), *Height and Area Exceptions*.
 - c. *Carports a*

TITLE 25 ZONING AND SIGN CODE

Contents:

CHAPTER 25.07 DEFINITIONS

SUBCHAPTER 25.07-B DEFINITIONS

S

Solar Array (also called "photovoltaic arrays" or "PV arrays") means an array of solar cells that convert energy from sunlight directly to electricity.

TITLE 25 ZONING AND SIGN CODE

Contents:

CHAPTER 25.07 DEFINITIONS

SUBCHAPTER 25.07-B DEFINITIONS

S

Solar Access Easement means a right expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of and landowner, which protects the solar access of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

TITLE 25 ZONING AND SIGN CODE

Contents:

CHAPTER 25.03 DEVELOPMENT STANDARDS

SUBCHAPTER 25.03-A DEVELOPMENT YIELD AND LOT STANDARDS

Sec. 25.03.050 Height and Area Exceptions

Subsection 25.03.050.1 Residential Districts

1. **Agriculture (AG), Rural Residential (RR), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), and residential uses in the Mixed Use (MU) and Suburban Commercial (SC) Districts.**
 - a. *Height Exceptions.*
 1. Any structure, principal use, or building erected or altered after the effective date of this Code shall comply with the height limitations of the district in which it is located, except as specified in this Item. However, in no case shall the exceptions listed below exceed the maximum height restrictions of the Airport Protection (AP) district, as set out in Subsection [25.02.060.1](#), *Airport Protection (AP) Overlay District*.
 2. The appurtenances listed below may exceed the prescribed height limit of the district in which they are located, provided they are normally required for a use permitted in the

district in which they are erected or constructed. However, no appurtenance shall appreciably shade a solar array located on the same or any adjoining property.

- A. Belfries;
- B. Chimneys;
- C. Condensers;
- D. Cooling towers;
- E. Cupolas, domes, and spires;
- F. Elevator bulkheads;
- G. Flagpoles;
- H. Monuments;
- I. Observation or ornamental towers;
- J. Penthouses for other than living purposes;
- K. Solar arrays, collectors, condensers, and heat storage units, subject to the standards set out in Subsection 25.03.080.4, *Solar Arrays*.
- L. Stacks; and
- M. Standpipes and other necessary mechanical appurtenances and their protective housing.

b. *Lot Area Exceptions.* See Subsection 25.06.120.7, *Nonconforming Lots*.

c. *Yards.* Any building, structure, or principal use erected, altered, or established shall comply with the yard requirements of the district in which it is located, as set out in Subsection 25.03.020.3, *Development Standards* (for Established Neighborhoods) or Subsection 25.03.030.1, *Development Standards* (for New Neighborhoods), except as specified in this Item.

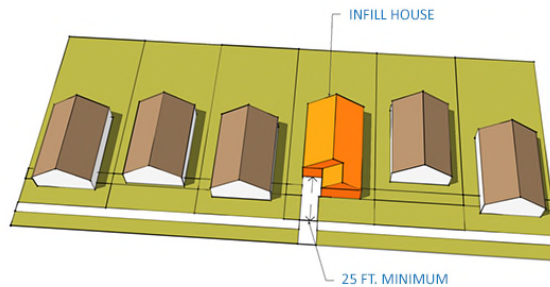
1. The required yards for any building, structure, or use shall be contained on the same lot and in the same district as the building, structure, or use for which it is required.
2. All required yards shall be open from the ground to the sky, except as specified in this Item.

d. *Yard Encroachments.*

1. Eaves and cornices may extend no more than two feet into a required yard, except that eaves may encroach up to three feet into a required yard when such yard is 10 feet or more in width or depth. In the case of lot line homes, eaves and cornices shall either extend into a required yard or an access easement on the adjoining lot.
2. Chimneys, when not more than four feet wide, may extend one foot into any required interior side yard or street side yard. Such chimneys may extend two feet into any yard when such yard is 10 feet or more in width or depth. Chimneys of more than four feet in width must conform to the yard requirements.
3. Open, uncovered porches or terraces.
 - A. Porches and terraces that are no higher than the floor level of the first floor above grade on the side of the building to which they are attached, and in no event higher than 30 inches above grade of the lot on the side of the building where such porch or terrace is located, may extend:
 - I. Three feet into any required side yard, provided it is not closer than three feet to a side lot line;
 - II. Ten feet into any required front yard, provided it is not closer than eight feet to the front property line; or
 - III. Within no less than five feet of the rear lot line.
 - B. No railing or other barrier that is higher than 42 inches shall be placed around a porch or terrace and no solid wall or barrier which blocks light or air shall be within five feet of any property line, except as otherwise provided in this Item.
 - C. All porches and terraces shall be subject to street corner visibility requirements, as set out in Subsection 25.04.110.8, *Sight Distance Requirements* (Reserved), or as otherwise required by the City.
4. Air-conditioning condensers may extend four feet into a required yard, provided the condenser is no more than three feet in height and 30 cubic feet in bulk.
5. Solar energy collectors and heat storage units of up to 200 square feet of collector surface area may extend two feet into any required yard of 10 feet or more. A solar energy collector and heat storage unit of any size needed to supply the building to which it is appurtenant may be treated as an accessory use, subject to the provisions of Subchapter 25.03-B, *Accessory and Supplemental Standards*, and established according to the provisions set out in Section 25.02.280, *Permitted Accessory Uses, Buildings, and Structures*.

e. *Fences and Hedges.*

1. Except in districts allowing the construction of buildings to the property line, there shall be provided an unobstructed view within the sight distance triangle, or as otherwise required by the City, within which there shall be no sight-obscuring or partly obscuring wall, fence, sign, or foliage that is more than 24 inches above curb grade or, in the case of trees, foliage that is lower than 10 feet above curb grade.
 2. On portions of a lot not within the sight distance triangle, the height of fences of any length, and foliage continuous for five feet or more, shall be limited to 48 inches on any street right-of-way and ahead of the front building line. On all other portions of lot lines, fences, hedges, and continuous foliage barriers may not exceed the standards set out in Subsection [25.03.090.3 Fences and Walls](#). However, a non-opaque fence may be placed around the grounds of a public or private school that may be up to 96 inches in height.
 3. Fences and hedges erected within the building envelope may conform with the building height limits for the district in which it is located, subject to all applicable building codes, as amended from time to time.
- f. *Exception.* The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences or hedges of a height in excess of those established in this Item be placed as buffering between uses, provided that no such approval shall have the effect of reducing sight visibility.
 - g. *Platted Building and Setback Lines.* If a recorded subdivision plat imposes a building or setback line for a lot which is greater than the minimum yards required in this Code, then, notwithstanding any other provision of this Code, the minimum yards shall be the greater of those shown on the subdivision plat or those set out in Subsection [25.03.020.3, Development Standards](#) (for Established Neighborhoods) or Subsection [25.03.030.1, Development Standards](#) (for New Neighborhoods).
 - h. *Minor Modifications.* The yard, space, and bulk regulations specified in this Code may include consideration of minor modifications that may be authorized by the Administrator, or a designee, as set out in Subsection [25.06.150.2, Repairs and Modifications](#).
 - i. *Average Front Setbacks.* Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same district, provided that:
 1. The lot proposed for development is not counted in the calculation; and
 2. If the lot takes vehicular access from the front, the driveway must be at least:
 - A. 25 feet long, measured from the property line at the street right-of-way to a building wall or garage door; and
 - B. The width of the garage door(s) are not more than 18 feet or less than nine feet in width. (See Figure [25.03.050.1, Front Setback Averaging](#))



(Ord. 2016-0177; 2015-0433; 2015-0215)
 Effective on: 6/13/2015

Source: <https://online.encodeplus.com/regs/siouxcity-ia/doc-viewer.aspx#secid-4364>

Clinton County 46,734 Pop

EXAMPLE SOLAR ORDINANCE

- 4. **Engineer Certification:** Applications for NonC-WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- 5. **Compliance with FAA Regulations:** NonC-WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 6. **Compliance with National Electric Code:** Applications for NonC-WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- 7. **Utility Notification:** No NonC-WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.2.18 Utility Scale Solar Installations. (Amended 10/3/16-Ord 2016-03)

The Purpose of this section is to encourage utility scale photovoltaic solar installations. Concentrating solar power (CSP) systems shall be prohibited.

- A. **Major site plan and Special Exception Use Permit required:** A site plan shall be submitted and reviewed as part of the approval of a utility scale solar installation. A utility scale solar installation shall require a Special Exception Use Permit.
- B. **Additional information:** In addition to all submittal requirements of a Special Exception Use Permit application, the application for a utility scale solar installation shall include the following information on the site plan or in narrative form, supplied by the utility scale solar installation owner, operator or contractor installing the structure(s):
 - 1. Number, location and spacing of solar panels/arrays.
 - 2. Planned location of underground or overhead electric lines.
 - 3. Project development timeline.
 - 4. Interconnection agreement.
 - 5. Operation and maintenance plan.
 - 6. Decommissioning plan.

C. **Site and Structure Requirements**

- 1. **Setback.** Setbacks for all structures (including solar arrays) must adhere to

the minimum principal setback standards for the zoning district where the project is located; greater setbacks may be required by the Board of Adjustment.

2. **Screening.** A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
3. **Utility Connections.** Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
4. **Grading plan.** A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).
5. **Glare minimization.** All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.
6. **Compliance with local, state and federal regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
7. **Appurtenant structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
8. **Floodplain considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district regulations.
9. **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's or installer's identification signage, shall be displayed.
10. **Fencing/security.** A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

D. **Operation and maintenance plan.** The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, stormwater and erosion controls, as well as general procedures for operation and maintenance of the installation.

1. **Soil erosion and sediment control considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden runoff into waterways.
2. **Stormwater management considerations.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
3. **Ground cover and buffer areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - a. Top soils shall not be removed during development, unless part of a remediation effort.
 - b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - c. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
4. **Cleaning chemicals and solvents.** During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible. Any onsite storage of chemicals or solvents shall be referenced.
5. **Maintenance, repair or replacement of facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment

shall adhere to all applicable local, state and federal requirements.

E. Decommissioning and site reclamation plan.

1. The application must include a decommissioning plan that describes: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
2. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
3. Restoration or reclamation activities shall include but not be limited to the following:
 - a. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, gravelled areas and access roads.
 - b. Re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area, consistent with the county's weed control plan.
 - c. For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
4. Following a continuous 1 year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of 1 year, the permit holder will have 1 year to complete decommissioning of the utility scale solar installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the County when the project is discontinued.

4.2.19 Non-Utility Scale Solar Installations (Amended 10/3/16-Ord 2016-03)

- A. **Permitted Accessory Use.** Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.
1. **Height.** Active solar energy systems must meet the following height requirements:
 - a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For

purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.

- b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
2. **Set Back.** Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - a. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - b. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
3. **Approved Solar Components.** Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
4. **Approval Required.** All solar energy systems shall require a Zoning Permit from the Clinton County Planning and Zoning office. Zoning approval does not indicate compliance with Building Code or Electric Code.
5. **Compliance with Building Code.** All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC-related requirements of the Electric Code.
6. **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Iowa State Electric Code.
7. **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
8. **Utility Notification.** All grid connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

JOHNSON COUNTY IOWA SOLAR REGULATIONS - EXCERPTS

193. **Solar Array.** Equipment used for private or utility scale solar energy systems. Can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.
194. **Solar Energy Systems, Private.** An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy for immediate onsite use and/or storage or to be fed back to the electrical grid. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.
195. **Solar Energy Systems, Utility Scale.** An energy system, commonly referred to as a “solar farm”, which converts solar energy to usable thermal, mechanical, chemical, or electrical energy for transmission through the electrical grid for offsite use or wholesale and/or retail sale. Systems can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure. Utility scale solar energy systems do not include concentrating solar power (CSP) systems.
199. **Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, signs, fences, retaining walls, solar arrays, swimming pools, and storage tanks.

8:1.6 A – Agricultural Zoning District.

The Agricultural Zoning District is intended to preserve valuable agricultural amenities and to provide land for all types of agricultural production. The Agricultural district is also intended for those agricultural uses that do not qualify for agricultural exemption under subsection 8:1.3.

A. Primary Uses. The following primary uses are allowed in the A district. Multiple primary uses are allowed on parcels in the A district and all uses may be subject to supplemental conditions found in subsection 8:1.23.

1. Agricultural Uses.
2. Animal Husbandry. Limited to those standards in subsection 8:1.23.
3. Agricultural Domiciles, as established in accordance with section 8:1.3
4. Agricultural Outbuildings.
5. Stables, Riding Academies, and Clubs.
6. Single Family Dwellings and Manufactured Homes. Limited to those standards in subsection 8:1.6(M).
7. Farmstead Splits. Limited to those standards in subsection 8:1.6(L).
8. Solar Energy Systems, Private.

Source:

<https://www.johnsoncountyiowa.gov/sites/default/files/2020-08/Johnson%20County%20UDO%20%282020%20ed%29-%20adopted%2012.19.19.pdf>



Planning & Development
Linn County, IA

Linn County Building Code
Residential Guidelines

Building Division

**Photovoltaic Installation
Plan Review Checklist**

Page 1 of 2

Linn County Planning and Development Photovoltaic Installation Plan Review Checklist

Within three (3) business days, Planning & Development Department staff will endeavor to review all photovoltaic solar array permits under 15 kW in size, and contact the applicant with approval, a request for more information, or rejection. Review of solar array permits over 15kW may take longer than three (3) business days to complete.

In order to process your permit application in an expeditious manner you must provide all required information regarding your proposal. *Incomplete applications will take significantly longer to process.* If you have questions please contact us using the information provided at the bottom of this sheet.

The following information will be required:

- A Building Permit Application and an Electrical Permit Application
- The installing contractor name, license type, and number
- An application fee (required with all applications and also serves as the price of the permit)

A complete application for a solar PV system will include:

- A permit application with:
 - The location of the proposed installation
 - Structural analysis of roof systems with framing member spacing of MORE than 24 inches center to center
 - Information about the mounting system that will be used to construct the array
 - Any zoning related information that may impact the installation
- A to-scale site plan showing:
 - Equipment locations
 - Types of panels and inverters
 - Types and sizes of conduits and conductors
 - Lengths of runs
 - A grounding diagram showing electrodes and grounding electrode conductors

- A wiring diagram showing
 - All circuitry
 - Equipment
 - Fusing
 - Points of connection
 - Disconnects
 - Array wiring
 - Equipment grounding
- Cut sheets and instruction manual for the inverter with the applicable model numbers highlighted and the UL or comparable listing noted.
- Cut sheets for the PV modules, which need to include V_{oc} rating, P_{MAX} , maximum series fuse rating, voltage at P_{MAX} and current at P_{MAX} .
- Cut sheets on batteries, if applicable, and connection diagrams with cable sizes.
 - Identify:
 - Battery fusing and fuse holders
 - Amp hour of battery bank
 - Charge capacity of charge system
 - Details for battery storage and venting
- Identify wire types and connectors of all cables.
- Provide details for array mounting and engineering for the supporting structure.
- Verify the ability of PV system installed on three phase supplied systems to cease to export power on loss of voltage in any phase.
- Show all warning signs and their locations.

Ensure that all required materials have been completed and compiled and submit them.

Construction documents are required to be submitted in pdf format. Plans shall include dimension lines or be drawn to scale. Provide sufficient information for the building official to ascertain the scope of the project. Plans shall also allow for digital signatures and mark-ups. Online submittal is preferred. Plans can be submitted via the [Permit Application Portal](#). In-person submittal is available by appointment, call 892-5130 to schedule.

Louisa County 11,125 Pop

EXAMPLE SOLAR ORDINANCE
Proposed Zoning Ordinance Amendment

Creation of Division 115: Solar Energy Systems

LOUISA COUNTY IOWA

Sections:

- 1.01 Statement of Intent
1.02 Personal Solar Energy System (PSES)
1.03 Solar Garden and Solar Farm Energy System (SFES)
1.04 Indemnification and Liability
1.05 Cessation of Operations
1.06 Penalties
1.07 Solar Energy System Owner/County/Property Owner Restoration Agreement
1.08 Related Rules and Regulations
1.09 Severability
1.10 Special Use Permit Fee Structure

1.01 Statement of Intent. The purpose of this Division is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Louisa County in a manner that promotes economic development, protects property values, and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, and other sensitive lands.

This Division does not repeal, abrogate, amend, impair or interfere with any existing ordinance.

1.02 Personal Solar Energy System (PSES).

A. Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

B. Permitted Use.

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Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

C. Special Requirements

Personal Solar Energy Systems shall be subject to the requirements included in Zoning Ordinance Section 60.6 Bulk Regulations unless otherwise stated herein:

- 1) Ground Mounted PSES height. Shall not be greater than fifteen (15) feet at maximum tilt of the solar panel(s) in any zoning district.
2) Structure Mounted PSES height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
3) Setbacks. The ground mounted PSES shall maintain perimeter setbacks including: side and rear yard setbacks of ten (10) feet measured at full horizontal tilt and shall be ten (10) feet from any other building or structure on the same lot. No PSES shall be permitted to be located in the required front yard setback unless at least sixty (60) feet back from the edge of the county road right of way or at least eighty (80) feet back from the edge of state or federal road right of way.
4) Building Codes. All county, state, and national construction codes shall be followed.
5) Use. The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

D. Building Permit

Before a building permit is issued, the following shall be submitted to the Louisa County Zoning Administrator for review:

- 1) Site plan showing:
a) Name, address, email address, and phone number of the property owner;
b) Parcel lines;
c) All existing structures, with heights clearly marked;
d) Sanitary infrastructure (i.e. Septic field);
e) Setback measurements;
f) easements present on the property, including those for utilities
g) field tile location
h) floodplain location, if applicable
i) topography lines (2-foot contours)

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- f) Location of all solar panels and associated equipment; and,
g) Location of the electrical disconnect for the PSES.

- 2) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
3) Evidence that the site plan has been submitted to the local fire protection district.

After a review and acceptance of site plan and required information, a letter authorizing construction shall be issued.

1.03 Solar Garden Energy System (SGES) and Solar Farm Energy System (SFES)

A. Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SGES and SFES designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes. Concentrating solar power (CSP) systems shall be prohibited.

B. Special Use Permit (SUP).

Solar Garden Energy Systems and Solar Farm Energy Systems shall require a Special Use Exception within the "A-1" Agricultural District, the "B-1" Business District, and the "I-1" Industrial Districts and shall be subject to the procedures and standards included in Section 150.2.2 Special Use Exceptions, in the Louisa County Zoning Ordinance unless otherwise stated in this Solar Energy Ordinance.

C. Special Requirements.

SGES and SFES are subject to the following requirements:

- 1) Height. Shall not exceed fifteen (15) feet at maximum tilt of the solar panel(s).
2) Setbacks.
a. The front yard setbacks shall be a minimum of fifty (50) feet from the edge of the right of way which form the outside perimeter of a SGES or SFES project area and one hundred (100) feet from a residence that is a part of the SGES or SFES project area. The Board of Adjustment may grant an exception to the setback requirement if the proposed or existing buffer is sufficient to screen the project from view of adjoining property or public rights-of-way, if the owners of the adjoining properties agree in writing to waive these setback requirements
b. In the case of a SGES or SFES to be built on more than one parcel and parcels are abutting, a zero (0) side or rear setback shall be permitted to the property line in common with the abutting parcel(s).

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- c. Solar panels shall be least three hundred (300) feet from a residence that is not part of the SGES or SFES project area. The Board of Adjustment may grant an exception to the setback requirement if the proposed or existing buffer is sufficient to screen the project from view of adjoining property or public rights-of-way, if the owners of the adjoining properties agree in writing to waive these setback requirements
d. Solar panels shall be eighty (80) feet from the State Right of Way and sixty (60) feet from County Right of Way.

- 3) Screening. A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
4) Fencing. A security fence of at least six (6) feet in height but no greater than eight (8) feet shall enclose the SGES or SFES. To restrict access to public.
5) Lighting. If lighting is provided for the SGES or SFES, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels.
6) Noise. Noise levels caused by the SGES or SFES measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
7) Installation and Design. The SGES or SFES shall be designed and located in such a fashion so as to prevent glare toward any inhabited buildings on adjacent properties, as well as adjacent roadways.
8) Utility Connections. Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
9) Outdoor storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm or solar garden shall be allowed.
10) Endangered Species and Wetlands. Applicant shall seek natural resource consultation with the Iowa Department of Natural Resources.
11) Weed control. Applicant must present an acceptable weed/grass control plan for property inside and outside fenced area for the entire property. The operating company during the operation of the Solar Farm must maintain the fence and adhere to the weed control plan.
12) Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the SGES or SFES shall be removed from the site and disposed

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of in an appropriate manner. All hazardous waste generated by the operation shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal requirements.

- 13) **Maintenance, repair or replacement of a facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
- 14) **Cleaning chemicals and solvents.** During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels shall be low in volatile organic compounds and the operator shall use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced on the site plan.
- 15) **Road Use Agreements.** All routes on county roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The solar farm developer must complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, installation, or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate highway authority(s) officials when warranted. The provision of this subsection shall be subject to the approval of the Louisa County Engineer.
- 16) **Soil erosion and sediment control.** The applicant agrees to conduct all roadwork and other site development work in compliance with a national pollutant discharge elimination system (NPDES) permit as required by the state department of natural resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control (both during and after construction), and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.
- 17) **Storm Water Management.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan with analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
- 18) **Administration and Enforcement.** The Zoning/Building Administrator and any necessary personnel may enter any property for which a special use or building permit has been issued

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under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code. Failure to provide access shall be deemed a violation of this ordinance.

D. Certification.

SGES or SFES shall conform to applicable industry standards, including those from the Underwriters Laboratory (UL) and Federal Aviation Administration (FAA).

All applicable county, state, and national construction and electric codes shall be followed.

E. Safety.

All SGES or SFES shall provide the following at all locked entrances:

- 1) A visible "High Voltage" warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;
- 4) The facility's 911 address, GPS coordinates; and,
- 5) A lock box with keys as needed.

F. Application.

The application for a Special Use permit for a Solar Garden Energy System or Solar Farm Energy System shall include:

- 1) A written summary of the project including a general description of the project and its approximate generating capacity.
- 2) The name(s), address(es), and phone number(s) of the owner and SGES or SFES operator.
- 3) The Interconnection Agreement.
- 4) A site plan of the SGES or SFES site showing:
 - a) Boundaries of the site;
 - b) All proposed SGES or SFES structures;
 - c) Property lines;
 - d) Setback measurements;
 - e) Location of all existing structures within the project area with their uses identified and any existing structure within three hundred (300) feet of the project area with their uses identified.
 - f) Topography lines (2-foot contours); and

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(g) floodplain location, if applicable.

- 5) All other information contained in Section 19.7 of the Zoning Ordinance as may be required to file a petition.

To protect agricultural soils, all solar gardens and solar farms will be subject to a land evaluation site assessment (LESA). The LESA information will be utilized for a special use permit application and not for map amendment or rezoning purposes.

G. Decommissioning Plan.

Prior to applying for a building permit, the SGES or SFES project owner/operator shall submit a decommissioning plan to the Louisa County Zoning Administrator. The Zoning Administrator shall review the plan for completeness and refer it to the Louisa County Board of Adjustment. The plan shall include:

- 1) A description of the plan to remove the SGES or SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Solar Energy Ordinance granting the Special Use Permit, or as stated in the Louisa County Zoning Ordinance.
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than ten (10) feet below the surface, and the timeline/sequence in which removal is expected to occur;
- 3) Provisions for the restoration of the soil, vegetation and disturbed earth, which shall be graded and reseeded;
- 4) An estimate of the decommissioning costs certified by a licensed professional engineer in current dollars. The engineer providing this estimate shall submit it to the Louisa County Zoning Administrator for review and all costs associated with this engagement shall be borne by the applicant;
- 5) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
- 6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.
- 7) Upon review of the decommissioning plan, the Louisa County Board of Adjustment shall set an amount to be held in a bond, escrow, or other acceptable form of funds approved by the Board. The value of the surety shall not be reduced based on the salvage value of any materials or equipment. The plan shall state that Louisa County shall have access to the project and to the funds to effect or complete decommissioning one (1) year after cessation of operations; and,
- 8) The applicant shall provide the county with a new estimate of the cost to decommission the SGES or SFES project every five (5) years under the same conditions as set forth in this Sections above. Salvage value of structures, electrical wire and other appurtenances

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shall not be considered with in the cost estimate calculations. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SGES or SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.

- 9) **Release of Financial Security.** Financial security shall only be released when the Zoning Administrator determines, after inspection, that the conditions of the decommissioning plan have been met.

H. Building Permit

Before a building permit is issued, the following shall be submitted to the Louisa County Zoning Administrator for review.

- 1) Site plan with all items previously required in the petition. Additional items to be included are:
 - a) All SGES or SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
 - b) Ancillary equipment;
 - c) Transmission lines;
 - d) Wells;
 - e) Sanitary infrastructure (i.e. Septic fields);
 - f) Field tile location;
 - g) Existing easements; and,
 - h) Wetland location, if any.
- 2) **Emergency Plan.** The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SGES or SFES project area. Any specialized training necessary will be provided at the operator's expense.
- 3) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.

After a review and acceptance of site plan and required information, a letter authorizing construction shall be issued.

1.04 Indemnification and Liability.

The applicant, owner, and/or operator of the SGES or SFES project shall defend, indemnify, and hold harmless the County of Louisa and its officials from and against any and all claims, demands, losses,

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suites, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the SGES or SFES project.

1.05 Cessation of Operations.

Any SGES or SFES provided for in this ordinance that has not been in operation and producing electricity for at least one hundred and eighty (180) consecutive days, excluding natural catastrophic event, shall be removed. The Louisa County Zoning Administrator shall notify the owner to remove the system. Within ninety (90) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Louisa County Attorney. In the case of a natural catastrophic event, a detailed restoration plan to return to operational status must be provided to the Zoning Administrator.

1.06 Violations & Penalties.

Violations and Penalties of this division are set forth in Division 140.

1.07 Solar Farm Energy System owner/County/Property Owner Restoration Agreement.

- A. Reasonable evidence of financial ability to construct the solar energy system as determined by the Board of Adjustment is a condition precedent to the issuance of any special use or building permit under this ordinance.
- B. Louisa County and/or the property owner leasing land for a solar energy system shall require a performance bond, surety bond, escrow account, letter of credit or other financial assurance to Louisa County and/or property owner for each solar energy system that guarantees the performance of the restoration agreement, as referenced in the Decommissioning Plan.

1.08 Related Rules and Regulations.

Each Solar Energy System shall comply with all applicable local, state and federal requirements.

1.09 Severability.

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

1.10 Special Use Permit Fee Structure for Solar Garden Energy Systems and Solar Farm energy Systems.

For Systems Sized	Permit Fee
0-50 kilowatts (kW-dc)	\$300
51-100 kilowatts (kW-dc)	\$500
101-500 kilowatts (kW-dc)	\$1,000

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501 - 1000 kilowatts (kW-dc)	\$3,000
1000 - 2000 kilowatts (kW-dc)	\$6,000
> 2000 kilowatts (kW-dc)	\$200 for each additional 0-100 kilowatts, with a maximum of \$10,000.

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Source: https://louisacountyia.gov/wp-content/uploads/2021/09/Proposed-Division-115_SolarEnergySystems_v2.pdf

POLK COUNTY IOWA SOLAR REGULATIONS - EXCERPT

Section 3. Solar Panels and Solar Arrays

- (A) Solar Panels – building mounted are permitted as an accessory structure in all districts. Permits required to determine structural compatibility.
- (B) Solar Arrays permitted as an accessory structure in all districts. Must meet accessory setback requirements. Permits required to determine structural compatibility.

Source: <https://www.polkcountyiowa.gov/media/1nwmgsyj/zoning-ordinance-updated-2-1-2019-rev-5-06-19.pdf>

100.36 SOLAR ENERGY SYSTEMS. The intent of the regulations of this Section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety, and welfare. The regulations of this Section are found to be necessary to ensure that solar energy systems are appropriately designed, sited, and installed. Solar energy systems include accessory systems for private use, and solar farms for utility-scale energy production and distribution.

1. *Use.*

A. *Accessory Use.* Accessory Solar Energy Systems shall be allowed only as an accessory use to a permitted principal use in residential, commercial, and industrial zoning districts and land uses. Accessory use shall also be allowed in agricultural zoning districts and land uses.

B. *Principal Use.* Solar Farms designed for utility-scale energy production and distribution shall be allowed as a principal use only in agricultural zoning districts and land uses.

2. *Special Use Permit Required.* No zoning permit shall be issued for any utility-scale solar energy system that is proposed to be constructed until after a Special Use Permit has been approved by the Zoning Board of Adjustment in accordance with Section 100.32 of this Chapter. This shall not apply to Accessory Solar Energy Systems.

A. The special use permit shall be valid so long as the structure conforms to the site plan on file with the Monona County Zoning Administrator and the Monona County Zoning Ordinance.

3. *Zoning Permit Required.* It shall be unlawful to construct, erect, install, alter, or locate any solar energy system within Monona County, unless a zoning permit has been obtained from the Zoning Administrator or their designee. In granting such permit, the Zoning Administrator or their designee may impose conditions on the use in addition to the regulations of this Section. The zoning permit may be revoked by the Zoning Administrator or their designee any time the approved system does not comply with the regulations of this Section and the conditions imposed at the time the permit was granted. The owner and/or operator of the solar energy system must also obtain any other permits required by other federal, state, and local agencies or departments prior to obtaining an approved zoning permit or installing the system, and shall comply with all overlay district regulations.

4. *Permit Application Information.* An application for a zoning permit for a solar energy system shall be made on forms provided by the County. Along with the application, the applicant shall submit the following information:

A. *Site Plan.* One (1) complete copy of a site plan and fee shall be submitted in accordance with Section 100.25. The site plan shall be based on a certified instrument survey by a surveyor licensed in the State of Iowa. A Plat of Survey is required to establish property lines and/or setbacks. The site plan shall include the following:

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- (1) Location of the solar panel(s) on the site and total height of the each panel or array at maximum tilt, dimensions, and ground clearance for each panel or array;
 - (2) The height and depths of each mounting structure including footings, and maximum area of ground cover;
 - (3) Utility lines, telephone lines and any other lines, both above and below ground, within 200 feet of any and all above-ground portions of the solar energy system or solar farm;
 - (4) Details as to how the power will be delivered to the grid, including the route and size of poles and towers to be used, if applicable;
 - (5) Property lot lines, land uses and the location and dimensions of all existing structures and uses on and off site within a radius of 500 feet of any and all above-ground portions of the solar energy system or solar farm;
 - (6) Standard drawings and dimensional representations of the solar energy system including panels and arrays, mounting structures, and footings;
 - (7) Planned location and dimensions of a security fence; and
 - (8) Interconnection agreement with the electrical utility, if applicable.
- B. *Decommissioning Plan.* All applications for solar farms shall include a decommissioning plan that describes the anticipated life of the utility scale solar installation, the anticipated manner in which the project will be decommissioned, the anticipated site restoration actions, the estimated decommissioning costs in current dollars, and the method for ensuring that funds will be available for decommissioning and restoration.
- C. *Landscaping.* A landscape buffer may be required to be installed and maintained during the life of the solar farm. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
- D. *Grading Plan.* A grading plan shall be submitted for all solar energy system plans and shall show all proposed changes to the landscape of the site, included but not limited to: clearing, grading, topographic changes, drainage, and tree removal.
6. ***Accessory Solar Energy Systems.*** Accessory solar energy systems shall be for the sole benefit of the parcel or lot on which it is located.
- B. Building- or roof-mounted systems shall not exceed the bulk regulations of the district or land use on which the building sits.
- (1) Such systems shall not extend beyond the perimeter of the building, except

that exterior piping for hot water systems may exceed the exterior perimeter in a side yard.

- (2) Roof-mounted systems may be visible from the public right-of-way.
- (3) Roof-mounted systems shall require adequate roof access to the panels.
- (4) Prior to installation, the applicant must provide documentation of the building's structural capacity to the Zoning Administrator or their designee.
- C. Solar hot water systems must have an SRCC (Solar Rating & Certification Corporation) rating.
- D. Accessory systems must comply with the State of Iowa Building Code, Electric Code, and Plumbing Code.
- E. All accessory systems must comply the regulations of all overlay zones in which it is located.
- F. All accessory systems must comply with the requirements of the electric utility. Self-contained (off-grid) systems that are not connected to the electric utility are exempt from the interconnection requirements.
- G. Surplus energy sold back to a utility must comply with *Section 199, Chapter 15.11(5)* of the *Iowa Administrative Code*, and all requirements of the Iowa Utilities Board.

7. General Regulations.

- A. Ground- or pole-mounted panels and arrays shall not exceed 20 feet in height at maximum tilt.
 - B. All solar energy systems must have a UL (Underwriters Laboratories) listing.
 - C. *Airports.* All solar energy systems located within 500 feet of an airport or within approach zones of an airport requires the applicant to complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the *Interim Policy, FAA Review of Solar Energy Projects on Federally-Obligated Airports*, or most recent version adopted by the FAA. The applicant shall also obtain written approval from all appropriate airport authorities, including but not limited to James G. Whiting Memorial Field in Mapleton.
 - D. *Solar Access.* Solar Access rights may be purchased from neighboring property owners through the recording of a solar easement. This easement may apply to buildings, trees, or other plants and structures that would diminish solar access.
- 8. Abandonment.** Abandonment proceedings begin one (1) year after the last day any solar energy system produces power.

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- A. The owner shall have one (1) year after abandonment proceedings have commenced to begin generating electricity with the unit or to decommission and safely dispose of the solar unit.
- B. Upon final declaration of abandonment, Monona County shall cause the removal of the abandoned system and invoice the property owner for all costs associated with the removal of the solar energy system and reclamation of the site. If unpaid, the cost shall be assessed as a lien against the property.

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ORDINANCE NO. ____
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING PORTIONS OF WOODBURY COUNTY ORDINANCE #56: AN AMENDMENT TO MODIFY SECTION 6.1.A: WIND TURBINES SET BACK REQUIREMENTS TO INCREASE CERTAIN SETBACK REQUIREMENTS IN THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW AMENDMENTS BE MADE:

AMENDMENT #1:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles.

AMENDMENT #2:

On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the Public Conservation Protected Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater).

Adopted this ____ day of _____, 2023

ATTEST:

Patrick Gill, Woodbury County Auditor

Matthew Ung, Chairman

Jeremy Taylor, Vice Chairman

Daniel Bittinger II

Mark Nelson

Keith Radig

Adoption Timeline

_____: Public Hearing and 1st Reading
_____: Public Hearing and 2nd Reading
_____: Public Hearing and 3rd Reading
_____: Adopted
_____: Published/Effective Date