



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(MARCH 8) (WEEK 10 OF 2022)**

Live streaming at:
<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 rdewitt@woodburycountyiowa.gov	Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov	Jeremy Taylor 259-7910 jtaylor@woodburycountyiowa.gov	Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov	Justin Wright 899-9044 jwright@woodburycountyiowa.gov
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held March 8, 2022 at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board for speakers.

1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, please limit your remarks to **three minutes on any one item.**
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item "Citizen Concerns."
7. For the benefit of all in attendance, please turn off all cell phones and other devices while in the Board Chambers.

AGENDA

4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence

- | | |
|---------------------------|-------------|
| 1. Citizen Concerns | Information |
| 2. Approval of the agenda | Action |

Consent Agenda

Items 3 through 7 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

3. Approval of the minutes of the March 1, 2022 meeting
4. Approval of claims
5. County Treasurer – Tina Bertrand
 - a. Approve property tax refund request for parcel #894308100004 in the amount of \$23.00
 - b. Approve property tax refund request for parcel #884705118012 in the amount of \$125.62

6. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process
7. Secondary Roads – Mark Nahra
Approve the permit to work in the right of way for CF Industries and to direct the chair to sign the permit

End Consent Agenda

8. Deputy Commissioner of Election – Steve Hofmeyer
Canvass the Lawton-Bronson and Westwood Special School Elections Action
9. County Treasurer – Tina Bertrand
Approval to change budgeted line items 0001-4-03-9020-11000,
0001-4-03-9020-60000 and 001-1-03-9020-42100 Action
- 4:40 p.m.** 10. Board Administration – Dennis Butler
(Set time)
 - a. Public hearing on the FY 23 county maximum property tax dollars Action
 - b. Approval of resolution of FY 23 county maximum property tax dollars Action
 - c. Set the public hearing for the FY 23 proposed budget on March 29, 2022 Action
at 4:45 p.m.
11. CED Zoning Coordinator – Daniel Priestley
 - a. Receive the final staff report and Planning & Zoning Commission’s Action
recommendation from their 2/28/22 meeting
 - b. Approve the Infinite View Addition final plat and authorize the Chairman Action
to sign the resolution
 - c. Approval to set the date and time for three public hearings for the proposed Action
Zoning Ordinance Text Amendment for March 22nd @ 4:40 p.m., March 29th
@ 4:40 p.m. and April 5th @ 4:40 p.m.
12. Secondary Roads – Mark Nahra
 - a. Approve the contract with Calhoun Burns and Associates for bridge Action
inspection for calendar year 2022
 - b. Approve the plans for project number STBG-SWAP-C097(144)—FG-97 Action
13. County Auditor – Patrick Gill
Approve the Fiscal Year 22-23 County Parking Plan Action
14. Board of Supervisors – Keith Radig
Consideration of an ordinance relating to the assessment of Wind Energy Action
Conversion Property as authorized by Iowa Code Chapter 427B.26
15. Reports on Committee Meetings Information
16. Citizen Concerns Information
17. Board Concerns Information

ADJOURNMENT

CALENDAR OF EVENTS

MON., MAR. 7	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., MAR. 9	7:30 a.m.	SIMPCO Executive-Finance Committee - Hybrid
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
	6:30 p.m.	911 Service Board Meeting, Public Safety Center, Climbing Hill
	8:00 p.m.	County's Mayor Association Meeting, Public Safety Center, Climbing Hill
THU., MAR. 10	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
WED., MAR. 16	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
	10:00 a.m.	Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
THU., MAR. 17	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
FRI., MAR. 18	12:00 p.m.	Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
TUE., MAR. 22	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., MAR. 23	10:30 a.m.	Western Iowa Tourism Region Meeting Lake City, Iowa
	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
THU., MAR. 24	1:30 p.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, Hybrid
	11:15 a.m.	Western Iowa Community Improvement Regional Housing Trust Fund, Hybrid
MON., MAR. 28	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
MON., APR. 4	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., APR. 6	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., APR. 7	10:00 a.m.	COAD Meeting, The Security Institute

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

MARCH 1, 2022, NINTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 1, 2022 at 4:15 p.m. Board members present were Taylor, Ung, Radig, De Witt, and Wright. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget Tax/Analyst, Joshua Widman, Assistant County Attorney, Melissa Thomas, Human Services Director, and Patrick Gill, Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

- 2. Jasmin Solstice, Sioux City, Jackie Stellish, Sioux City JoAnn Sadler, Correctionville, Maria Rundquist, Sioux City and Kim Alexander, Smithland, expressed opinions about an event that is being sponsored by the Woodbury County Sheriff's Office.
- 3. Motion by Radig second by De Witt to approve the agenda for March 1, 2022. Carried 5-0. Copy filed.
- 10a. A public hearing was held at 4:35 p.m. for the sale of parcel #894730278008, 1825 W 4th St. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Radig to close the public hearing. Carried 5-0.

Motion by Taylor second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894730278008, 1825 W 4th St., to Twin Spires, LLC, PO Box 2025, Sioux City, IA, for \$500.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,396**

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By Twin Spires LLC in the sum of **Five Hundred Dollars & 00/100 (\$500.00)**-----
-----dollars.

For the following described real estate, To Wit:

Parcel #894730278008
All of Lot Eight (8) except the North Sixty-Two Feet (N 62') thereof, in Block Two (2) of Hornick's Addition to Sioux City, Woodbury County, Iowa (1825 W. 4th Street)

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 1st Day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10b. A public hearing was held at 4:37 p.m. for the sale of parcel #894720384016, 1309 W. 14th St. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by De Witt to close the public hearing. Carried 5-0.

Motion by Taylor second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894720384016, 1309 W. 14th St., to E & M Rental LLC, 2086 150th St., Lawton, IA, for \$250.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,397**

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By E & M Rental LLC in the sum of **Two Hundred Fifty Dollars & 00/100 (\$250.00)** dollars.

For the following described real estate, To Wit:

Parcel #894720384016
West 35 feet East 110 feet South ½ Lot 5 Block 36, West 35 feet East 110 feet Lot 6 Block 36 of North Sioux City Addition, City of Sioux City, Woodbury County, Iowa (1309 W 14th Street)

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 1st Day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10c. A public hearing was held at 4:39 p.m. for the sale of parcel #894735116006, 3200 Leech Ave. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by De Witt to close the public hearing. Carried 5-0.

Motion by Taylor second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894735116006, 3200 Leech Ave., to Dennis F. Cloud, 1414 Whitcher Ave., Sioux City, IA, for \$300.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,398**

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By Dennis F. Cloud in the sum of **Three Hundred Dollars & 00/100 (\$300.00)**-----
-----dollars.

For the following described real estate, To Wit:

Parcel #894735116006
Lots Eight (8), Nine (9), Ten (10), and Eleven (11) in Block Three (3) of Hedges Table Addition, City of Sioux City, Woodbury County, Iowa (3200 Leech Ave.)

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 1st Day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11a. A public hearing was held at 4:45 p.m. for development agreement and tax increment payments to Ag Processing Inc. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by De Witt to close the public hearing. Carried 5-0.

- 11b. Motion by Taylor second by Radig to approve and authorize the Chairperson to sign a Resolution approving development agreement with AG Processing Inc., authorizing tax increment payments and pledging certain tax increment revenues to the payment of the agreement. Carried 5-0.

RESOLUTION #13,399
RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH AG PROCESSING INC.,
AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT
REVENUES TO THE PAYMENT OF THE AGREEMENT

WHEREAS, Woodbury County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an urban renewal plan for the Grow Woodbury County Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board of Supervisors has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, a certain Development Agreement (the "Agreement") between the County and Ag Processing Inc., (the "Company") has been prepared in connection with the expansion of a soybean processing facility for use in the Company's business operations on certain real property (the "Property") situated at 2753 Port Neal Circle, Sergeant Bluff, Iowa in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives to the Company including certain incremental property tax payments in an amount not to exceed \$1,000,000 (the "Payments") under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, the Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on March 1, 2022, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development;
Woodbury County/424093-24/Hold Hrg Dev Agmt

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

(a) The Project will add diversity and generate new opportunities for the Woodbury County and Iowa economies;

(b) The Project will generate public gains and benefits, particularly in the creation of new jobs and housing opportunities, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Company.

Section 3. The Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board of Supervisors, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Agreement shall be payable solely from a subfund (the "Ag Processing Inc. Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

Section 5. The County hereby pledges to the payment of the Agreement the Ag Processing Inc. Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Woodbury County, Iowa to evidence the continuing pledging of the Ag Processing Inc. Subfund and the portion

of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the County Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved March 1, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11c. Motion by Radig second by Taylor to authorize the Chairperson to sign the Development Agreement with Ag Processing Inc. Carried 5-0. Copy filed.

Motion by De Witt second by Taylor to approve the following items by consent:

- 4. To approve minutes of the February 22, 2022 meeting. Copy filed.
- 5. To approve the claims totaling \$338,244.09. Copy filed.
- 6. To approve and authorize the Chairperson to sign a Resolution approving petition for suspension of taxes for Joan Ellensohn-Conley, 924 N Alice, Sioux City, parcel #894726154009.

WOODBURY COUNTY, IOWA
RESOLUTION #13,400
RESOLUTION APPROVING PETITION FOR SUSPENSION OF TAXES

WHEREAS, Joan Ellensohn-Conley, is the titleholder of property located at 924 N. Alice, Sioux City, IA, Woodbury County, Iowa, and legally described as follows:

Parcel #894726154009

EAST TERRACE LOT 21 BLOCK 3

WHEREAS, Joan Ellensohn-Conley is the titleholder of the aforementioned property have petitioned the Board of Supervisors for a suspension of taxes pursuant to the 2017 Iowa Code section 427.9, and

WHEREAS, the Board of Supervisors recognizes from documents provided that the petitioner is unable to provide to the public revenue; and

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby grants the request for a suspension of taxes, and hereby directs the Woodbury County Treasurer to so record the approval of this tax suspension for this property.

SO RESOLVED this 1st day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 7. To approve and authorize the Chairperson to sign a Resolution Notice of Property Sale - Woodbury County Farm.

RESOLUTION #13,401
NOTICE OF PROPERTY SALE – WOODBURY COUNTY FARM

WHEREAS Woodbury County, Iowa is the owner of certain parcels of real estate described as:

Parcel 1:

All of the Northwest ¼ of the Southwest ¼ and that part of the Southwest ¼ of the Southwest ¼ of Section 14, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Northwest ¼ of the Southwest ¼ of Section 14; thence South 89°32'09" East along the North line of said Northwest ¼ of the Southwest ¼ for 1328.16 feet to the Northeast corner of said Northwest ¼ of the Southwest ¼; thence South 0°04'33" East along the East line of said Northwest ¼ of the Southwest ¼ and the East line of said Southwest ¼ of the Southwest ¼ for 2511.20 feet to the centerline of Old Highway # 141; thence North and West along said centerline on the following courses and distances: North 59°43'02" West for 691.82 feet; Northwesterly for 322.20 feet on an 1145.92 foot radius curve, concave Northeasterly, having a long chord of 321.14 feet, bearing North 51°39'44" West; North 43°36'26" West for 699.13 feet to the West line of said Southwest ¼ of the Southwest ¼; thence North 0°00'08" East along said West line and the West line of said Northwest ¼ of the Southwest ¼ for 1467.67 feet to the point of beginning

Said described parcel contains 63.029 acres, more or less, which includes 3.936 acres in roadway easement.

Parcel 2:

All that part of the Southwest ¼ of the Southwest ¼ of Section 14, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Commencing at the Northwest corner of the Northwest ¼ of the Southwest ¼ of said Section 14; thence South 0°00'08" West along the West line of said Northwest ¼ of the Southwest ¼ and the West line of said Southwest ¼ of the Southwest ¼ for 1467.67 feet to the centerline of Old Highway # 141 and the point of beginning; thence continuing South 0°00'08" West along the West line of said Southwest ¼ of the Southwest ¼ for 1210.78 feet to the Southwest corner of said Southwest ¼ of the Southwest ¼; thence South 89°52'45" East along the South line of said Southwest ¼ of the Southwest ¼ for 1331.77 feet to the Southeast corner of said Southwest ¼ of the Southwest ¼; thence North 0°04'33" West along the East line of said Southwest ¼ of the Southwest ¼ for 159.30 feet to the centerline of Old Highway # 141; thence North and West along said centerline on the following courses and distances: North 59°43'02" West for 691.82 feet; Northwesterly for 322.20 feet on an 1145.92 foot radius curve, concave Northeasterly, having a long chord of 321.14 feet, bearing North 51°39'44" West; North 43°36'26" West for 699.13 feet to the point of beginning

Said described parcel contains 18.626 acres, more or less, which includes 5.354 acres in roadway easement.

Parcel 3:

All that part of the Northwest ¼ of Section 23, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Commencing at the Northwest corner of said Northwest ¼ of Section 23; thence South 89°52'45" East along the North line of said Northwest ¼ for 531.00 feet to the point of beginning; thence continuing South 89°52'45" East along said North line for 1074.33 feet to the centerline of Old Highway # 141; thence South and East along said centerline on the following courses and distances: South 59°43'02" East for 547.70 feet; Southeasterly for 315.21 feet on an 1145.92 foot radius curve, concave Southwesterly, having a long chord of 314.22 feet, bearing South 51°50'13" East; South 43°57'24" East for 466.81 feet to the East line of said Northwest ¼; thence South 1°00'33" West along the East line of said Northwest ¼ for 1862.15 feet to the Southeast corner of said Northwest ¼; thence North 89°46'29" West along the South line of said Northwest ¼ for 2652.80 feet to the Southwest corner of said Northwest ¼; thence North 0°46'46" East along the West line of said Northwest ¼ for 1230.43 feet; thence South 89°20'41" East for 594.00 feet; thence North 0°41'17" East for 438.50 feet; thence North 4°43'39" East for 241.50 feet; thence North 5°10'48" West for 760.50 feet to the point of beginning

Said described parcel contains 134.950 acres, more or less, which includes 3.980 acres in roadway easement.

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on this property sale proposal shall be held on the **15th Day of March, 2022 at 4:40 p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcels of real estate at a public auction conducted by Stalcup Agricultural Service, Inc. to be held on the **22nd Day of March, 2022 at 10:00 a.m.**
3. That said Board proposes to sell the said real estate to the highest Bidder for each parcel at or above a **minimum bid set by the Board of Supervisors** which shall be at or above the appraised value of the property.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 1st Day of March, 2022.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

- 8a. To approve the separation of Kenzie Holsinger, P/T Youth Worker, Juvenile Detention Dept., effective 02-18-22. Separation.; the separation of Erick Ortiz, P/T Youth Worker, Juvenile Detention Dept., effective 02-19-22. Separation.; the appointment of Jeremy Pope, Civilian Jailer, County Sheriff Dept., effective 03-07-22, \$21.02/hour. Job Vacancy Posted 1-26-22. Entry Level Salary: \$21.02/hour.; and the reclassification of Amanda Quade, Civilian Jailer, County Sheriff Dept., effective 03-07-22, \$22.76/hour, 4%=\$.88/hour. Per CWA Civilian Officers Contract agreement, from Class 2 to Class 1. Copy filed.
- 8b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for a P/T Youth Worker, Juvenile Detention Dept. AFSCME Juvenile Detention: \$20.38/hour., and for (2) Equipment Operators, Secondary Roads Copy filed.
- 9a. To approve the refund of property tax for parcel #884705256007 in the amount of \$773.00. Copy filed.
- 9b. To receive for signatures a Resolution naming depositories for the County Treasurer.

**RESOLUTION NAMING DEPOSITORIES
 RESOLUTION #13,402**

BE IT RESOLVED by the Woodbury County Board of Supervisors in Woodbury County, Iowa: That we do hereby designate the following named banks to be depositories of the Woodbury County funds in amounts not to exceed the amount named opposite each of said designated depositories and **Tina Bertrand, Woodbury County Treasurer** is hereby authorized to deposit the Woodbury County funds in amounts not to exceed in the aggregate the amounts named for said banks as follows, to wit:

NAME OF DEPOSITORY	LOCATION	MAXIMUM DEPOSIT	MAXIMUM DEPOSIT
		In the effect Prior resolution	under the resolution
U.S. Bank	Sioux City, Iowa	\$50,000,000	\$50,000,000
Security National Bank	Sioux City, Iowa	100,000,000	100,000,000
Wells Fargo Bank	Sioux City, Iowa	50,000,000	50,000,000
PeoplesBank	Sioux City, Iowa	5,000,000	5,000,000
First National Bank	Sioux City, Iowa	50,000,000	50,000,000

Primebank	Sioux City, Iowa	50,000,000	50,000,000
Great Southern Bank	Sioux City, Iowa	5,000,000	5,000,000
First National Bank	Correctionville, Iowa	1,000,000	1,000,000
Pioneer Bank	Sergeant Bluff, Iowa	10,000,000	10,000,000
Sloan State Bank	Sloan, Iowa	5,000,000	5,000,000
Valley Bank & Trust	Danbury, Iowa	1,500,000	1,500,000
BankFirst	Hornick, Iowa	5,000,000	5,000,000
First National Bank	Correctionville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Moville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Anthon, Iowa	5,000,000	5,000,000
Liberty National Bank	Sioux City, Iowa	25,000,000	25,000,000
Availa Bank	Sioux City, Iowa	10,000,000	10,000,000
Central Bank	Sioux City, Iowa	10,000,000	10,000,000
Kingsley State Bank	Sergeant Bluff, Iowa	1,000,000	1,000,000
First State Bank	Danbury, Iowa	5,000,000	\$5,000,000
Shelby County State Bank	Danbury, Iowa	5,000,000	\$5,000,000

SO RESOLVED this 1st day of March, 2022
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

Carried 5-0.

12. Information was presented by Summit Carbon Solutions.

Motion by Taylor second by Radig to receive material from Carbon Solutions. Carried 5-0. Copy Filed.

13a. Motion by Taylor second by Wright to approve and authorize the Chairperson to sign a Resolution supporting HF 2430, a bill for an act relating to methods of determining compensation of elected county officers (Formerly HSB 666). Failed 2-3 on a roll call vote; De Witt, Ung and Radig were opposed. Copy filed.

13b. Motion by Taylor second by De Witt to approve the Memorandum of Understanding between Woodbury County's Board of Supervisors, Conservation Board, and Secondary Roads Department regarding future uses of the Briese Property. Carried 3-2; Wright and Radig were opposed. Copy filed.

14. The Board heard reports on committee meetings.

15. There were no citizen concerns.

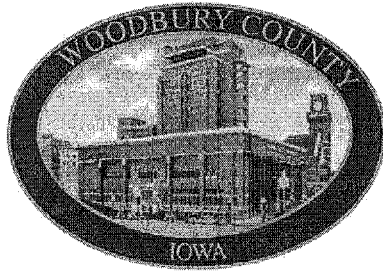
16. Board concerns were heard.

March 1, 2022 Cont'd.

Page 9

The Board adjourned the regular meeting until March 08, 2022.

Meeting sign in sheet. Copy filed.



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

February 28, 2022

Dear Board of Supervisors,

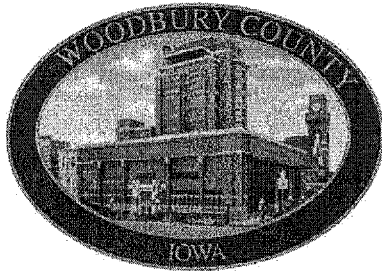
I am requesting your authorization on the following refund:

Parcel 8943 08 100 004 (SENW 8-89-43) owned by Wayne Rieckmann. There was a clerical error made & the March 2022 payment was paid first instead of the September 2021 payment. There was \$23.00 in interest that the customer should not have been charged for. Wayne is requesting to get the \$23.00 refunded back.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L Trimpe
Woodbury County Tax Deputy



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

March 3, 2022

Dear Board of Supervisors,

I am requesting your authorization on the following refund:

Parcel 8847 05 118 012 (1805 S Lakeport) owned by Joshua & Christopher Mitchell. There was an overpayment made on the March 2022 payment of \$125.62. United Escrow paid this payment and they are now requesting the overpayment to be refunded to them.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L Trimpe
Woodbury County Tax Deputy

From: David Gleiser <dgleiser@woodburycountyiowa.gov>
Sent: Friday, February 25, 2022 4:01 PM
To: Melissa Thomas <melissathomas@woodburycountyiowa.gov>
Cc: Keith Radig <kradig@woodburycountyiowa.gov>
Subject: Resignation

February 25, 2022

Director Thomas:

Please accept this email as my formal resignation from my position as Director of Community & Economic Development with Woodbury County. My last day of work will be March 4th, 2022.

Rest assured, I will assist to the best of my abilities during this transition.

It has been an honor and pleasure to serve the citizens of Woodbury County as I have for the last 8 years. I'm proud of the small role I played in the exponential growth that Woodbury County experienced during my tenure, and I'm confident the county is poised for continued success.

Finally, I want to acknowledge and thank all of the wonderful employees and elected officials of Woodbury County that I've had the privilege to work alongside with for nearly the last decade. The county has some of the best people in the world doing it's business and I am thankful for each and every one of them.

I will be forever grateful for the opportunities, challenges, and lessons learned that Woodbury County has provided me.

Sincerely,
David Gleiser

HUMAN RESOURCES DEPARTMENT

WOODBURY COUNTY, IOWA

DATE: March 8, 2022

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Juvenile Detention	(2) Assistant Directors	Wage Plan: \$63,398.16 - \$72,347.78/year		

Chairman, Board of Supervisors

Lisa Anderson

From: Ryan Weber
Sent: Wednesday, March 2, 2022 8:47 AM
To: Melissa Thomas; Lisa Anderson
Subject: Authorization to hire

Requesting approval to hire (2) assistant Directors.

Ryan M. Weber

Director

Woodbury County Juvenile Detention Center

rweber@woodburycountyiowa.gov

Phone: (712) 279-6622

Fax: (712) 234-2900

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 03/03/2022 Weekly Agenda Date: 03/08/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of permit to work in the county right of way

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

CF Industries has requested a permit to work in the right of way to install an electronic sign the backslope of the right of way at their east entrance to the north fertilizer plant.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa.

FINANCIAL IMPACT:

No impact

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Recommend approval of the permit for CF Industries.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the permit to work in the right of way for CF Industries and to direct the chair to sign the permit.



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@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: CF Port Neal Phone No.: 712-233-6357

Mailing Address: 1182 260th Street Sergeant Bluff, Iowa 51054

Township: Woodbury Section: _____

Woodbury County, State of Iowa, and CF Port Neal (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

CF to install a permanent electronic single sided message center, 87" wide 92" tall 10" deep

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

II. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.


J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

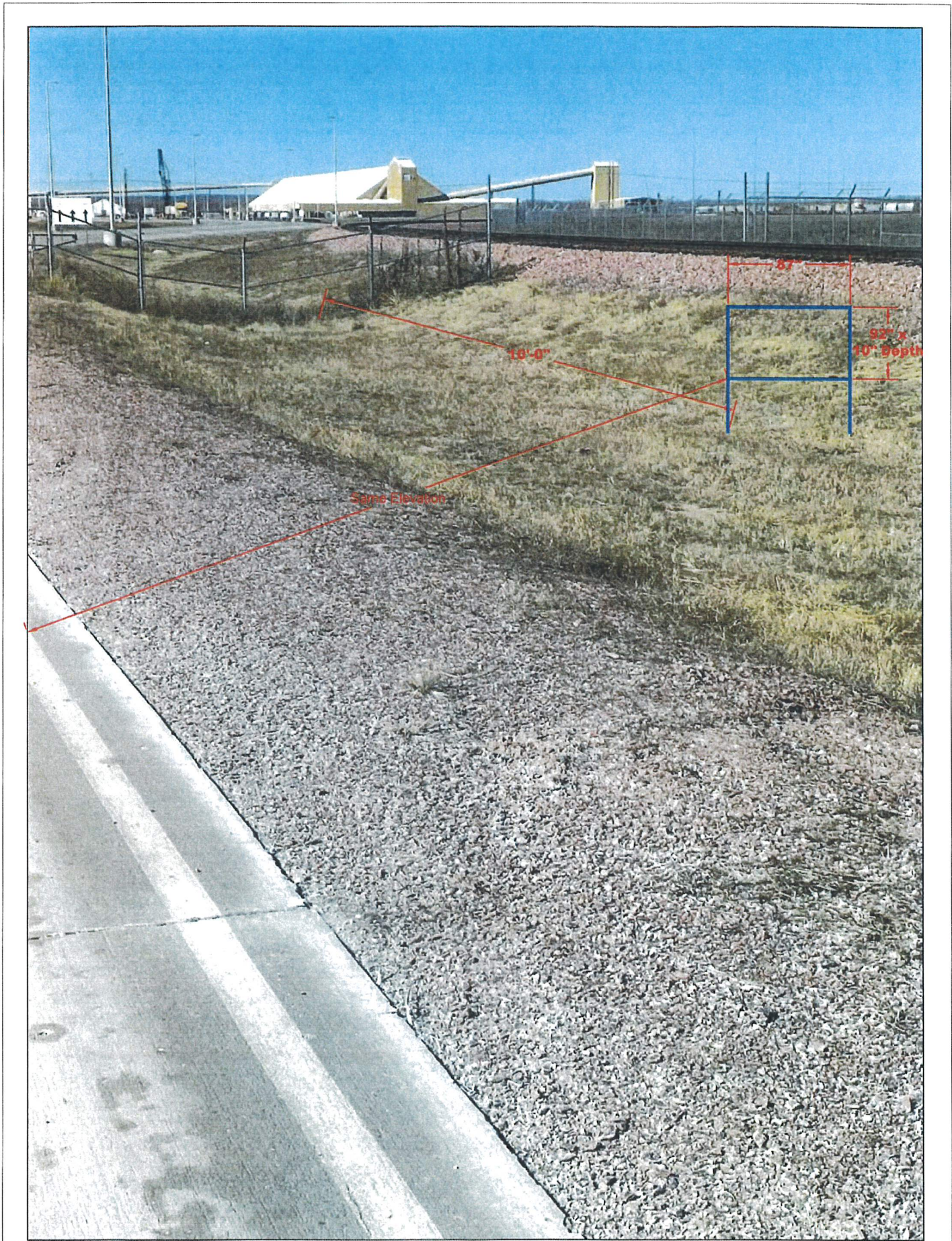
Entered into this _____ day of _____, 2022.



Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/2/22 Weekly Agenda Date: 3/8/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Tina Bertrand, County Treasurer

WORDING FOR AGENDA ITEM:

Change to budget item 0001-4-03-9020-11000, 0001-4-03-9020-60000 & 001-1-03-9020-42100

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Give Direction

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Increase budget item 0001-4-03-9020-11000 from \$120,000 to \$200,000; budget item 0001-4-03-9020-60000 from \$120,000 to \$130,000 and budget item 001-1-03-9020-42100 from \$910,000 to \$915,000.

BACKGROUND:

Review of current amounts due support the increase the budget line item 0001-4-03-9020-11000. Anticipated increase in interest rates support the increase in budget line item 0001-4-03-9020-60000. Increase in both new and used vehicle valuations supports increased registration fees.

FINANCIAL IMPACT:

Total increase to budgeted review is an increase of \$95,000

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Accept change to budgeted line items as presented

ACTION REQUIRED / PROPOSED MOTION:

Accept change to budgeted line items as presented

NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY

Fiscal Year July 1, 2022 - June 30, 2023

County Name: **WOODBURY COUNTY** County Number: **97**

The County Board of Supervisors will conduct a public hearing on the proposed Fiscal Year County budget as follows:

Meeting Date: **3/8/2022** Meeting Time: **04:40 PM** Meeting Location: **Woodbury County Supervisor's meeting room in lower level of Courthouse, 620 Douglas Street.**

Contact Person: **Dennis Butler** Contact Phone Number: **(712) 234-2910**

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the Board will publish notice and hold a hearing on the proposed county budget.

County Website (if available)
woodbury county iowa

County Telephone Number
(712) 234-2910

		Current Year Certified Property Tax FY 2021/2022	Budget Year Effective Property Tax FY 2022/2023	Budget Year Proposed Maximum Property Tax FY 2022/2023	Proposed Percentage Change
Taxable Valuations-General Services	1	4,886,270,455	5,137,390,222	5,137,390,222	
Requested Tax Dollars-General Basic	2	17,881,111		19,429,100	
Requested Tax Dollars-General Supplemental	3	12,147,317		12,037,504	
Requested Tax Dollars-General Services Total	4	30,028,428	30,028,428	31,466,604	4.79
Estimated Tax Rate-General Services	5	6.14547	5.84507	6.12502	
Taxable Valuations-Rural Services	6	1,346,414,230	1,395,538,786	1,395,538,786	
Requested Tax Dollars-Rural Basic	7	3,320,368		3,434,653	
Requested Tax Dollars-Rural Supplemental	8				
Requested Tax Dollars-Rural Services Total	9	3,320,368	3,320,368	3,434,653	3.44
Estimated Tax Rate-Rural Services	10	2.46608	2.37927	2.46117	

Explanation of increases in the budget:

Increases due to Inflation (currently at 10%), additional jail expenses and wage adjustments and benefits.

If applicable, the above notice is also available online at:

Woodbury County Website

The above tax rates do not include county voted levies, mental health and disabilities services levy, debt service levy and the rates of other local jurisdictions.

Regarding proposed maximum dollars, the Board of Supervisors cannot adopt a higher tax asking for these levies following the public hearing.

Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming year.

APPROVAL OF FY23 MAXIMUM PROPERTY TAX DOLLARS

RESOLUTION # _____

WHEREAS, the Woodbury County Board of Supervisors have considered the proposed FY23 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county web site and/or social media accounts if applicable, and

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 8, 2022,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Woodbury County that the maximum property tax dollars for General County Services and Rural County Services for FY23 shall not exceed the following:

General County Services - \$31,466,604

Rural County Services - \$3,434,653

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY23 represents an increase over 102% from the Maximum Property Tax dollars requested for FY22

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor/Recorder

Keith W. Radig, Chairman

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/3/22 Weekly Agenda Date: 3/8/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Coordinator

WORDING FOR AGENDA ITEM:

Approval of Final Plat for the Infinite View Addition, a Minor Subdivision

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Supervisors will receive the Woodbury County Planning and Zoning (P&Z) Commission's recommendation and final staff report on said plat and shall approve, approve with conditions, or disapprove the plat. The Board 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.

BACKGROUND:

Gwendolyn M. Hodges, owner of Parcel #874715200002, filed a minor subdivision application to establish the Infinite View Addition, a 3-lot minor subdivision including one lot for the homestead and two for agricultural lots that will continue to be farmed. The parcel is addressed 2424 Buchanan Avenue, Salix, IA 51052, and is in the Liberty Township. It is zoned Agricultural Preservation (AP) and is in the Zone A floodplain. The proposed lots and uses are compliant with the zoning and subdivision ordinance. The County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. All required legal notifications were made and all relevant agency stakeholders and property owners were notified of this request and related public hearings. As of 3/1/22, the CED office has received three comments but not comments of opposition. On 2/28/22, the Woodbury County Zoning Commission held a public hearing on the application and subsequently voted 4-0 to recommend approval of the final plat as proposed. Extraterritorial review was waived by the City of Salix (Res. No. 2022-3).

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 2/28/22 meeting.

Approve the plat and authorize the Chairman to sign the resolution.

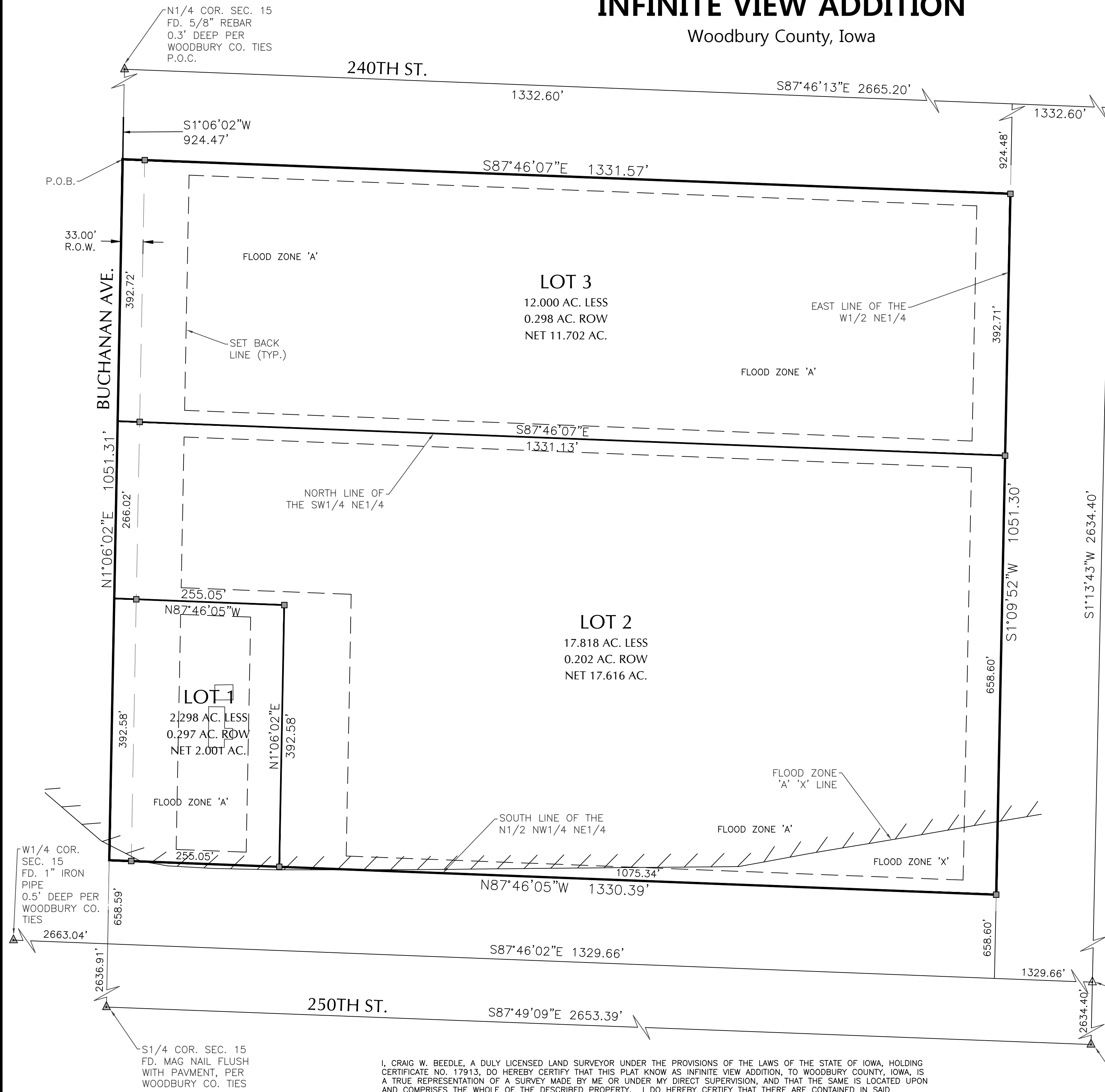
ACTION REQUIRED / PROPOSED MOTION:

Motion to receive the final staff report and P&Z Commission's recommendation from their 2/28/22 meeting.

Motion to approve the Infinite View Addition final plat and authorize the Chairman to sign the resolution.

Minor Subdivision Final Plat INFINITE VIEW ADDITION

Woodbury County, Iowa



NE COR. SEC. 15
FD. 5/8" REBAR
1.0' DEEP, TIES OUTDATED
FIT LOCAL CONDITIONS
ACCEPTED AND RETIED

LEGAL DESCRIPTION:

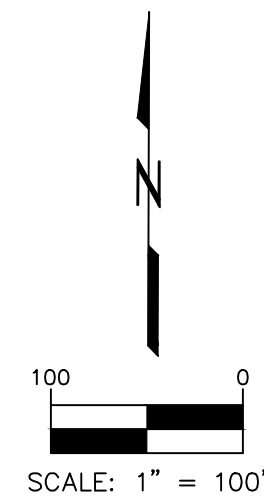
THE SOUTH 12 ACRES OF THE NW1/4 NE1/4 AND THE NORTH 1/2 OF THE SW1/4 NE1/4 SECTION 15, T87N R47W OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA. SAID PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SAID SECTION 15 THENCE S1°06'02"W (AN ASSUMED BEARING) FOR 924.47 FEET ALONG THE WEST LINE OF THE NE1/4 TO THE POINT OF BEGINNING; THENCE S87°46'07"E FOR 1331.57 FEET TO THE EAST LINE OF THE W1/2 NE1/4; THENCE S1°09'52"W ALONG SAID EAST LINE FOR 1051.30 FEET TO THE SOUTH LINE OF THE N1/2 NW1/4 NE1/4; THENCE N87°46'05"W ALONG SAID SOUTH LINE FOR 1330.39 FEET TO THE WEST LINE OF THE NE1/4; THENCE N1°06'02"E ALONG SAID WEST LINE FOR 1051.31 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 32.117 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS OF RECORD.

LEGEND

- ▲ SECTION CORNER FOUND (AS NOTED)
- SECTION CORNER SET (5/8" IRON PIN W/ YELLOW CAP #17913)
- FOUND MONUMENT (5/8" REBAR OR AS NOTED)
- SET MONUMENT (5/8" IRON PIN W/ YELLOW CAP #17913)
- ◆ SET MONUMENT (P.K. NAIL IN PCC OR ACC)
- (M) MEASURED
- (R) RECORDED
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



FLOOD ZONE

ACCORDING TO NFIP REGULAR PROGRAM UNDER FIRM, A LARGE PORTION OF THE SUBDIVISION IS DETERMINED TO BE IN ZONE 'A' OF THE FLOODPLAIN AS SHOWN ON FIRM MAP #19193C0400 D. WITH THE EFFECTIVE DATE OF 9/29/2011

CURRENT & PROPOSED ZONING

- AP - AGRICULTURAL PRESERVATION
- 2 AC. EXCLUDING ROW = MINIMUM LOT AREA
- 200' = MINIMUM LOT WIDTH
- 45' = MAXIMUM BUILDING HEIGHT
- 100' = MINIMUM FRONT YARD
- 50' = MINIMUM REAR YARD PRIMARY STRUCTURE
- 10' = MINIMUM REAR YARD ACCESSORY STRUCTURE
- 50' = CORNER SIDE YARD
- 20' = MINIMUM SIDE YARD PRIMARY STRUCTURE
- 10' = MINIMUM SIDE YARD ACCESSORY STRUCTURE

OTHER REGULATIONS MAY APPLY SEE ZONING ORDINANCES FOR DETAILS.

ADDITION CONTAINS A TOTAL OF 32.117 ACRES

LOTS TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

OWNER / SUBDIVIDER

GWENDOLYN HODGES
205 DIAMOND ST.
ONAWA, IA 51040

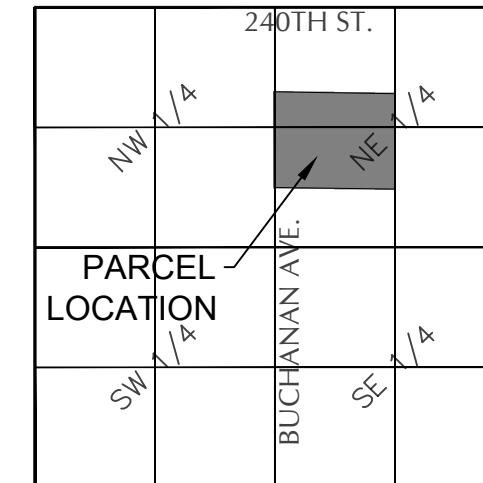
SURVEYOR

CRAIG BEEDLE
VEENSTRA & KIMM INC
203 SERGEANT SQUARE DRIVE
SUITE B
SERGEANT BLUFF, IA 51054
712-943-5055

E1/4 COR. SEC. 15
FD. NO EVIDENCE IN
OPEN FIELD.
CALCULATED POINT
ONLINE BETWEEN THE
NE AND SE CORNERS.

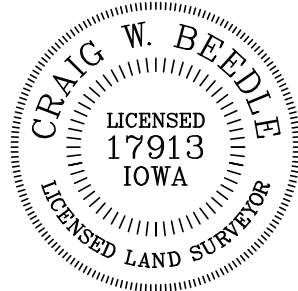
SE COR. SEC. 15
FD. MAG NAIL FLUSH
WITH PAVMENT, PER
WOODBURY CO. TIES

VICINITY MAP



I, CRAIG W. BEEDLE, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 17913, DO HEREBY CERTIFY THAT THIS PLAT KNOWN AS INFINITE VIEW ADDITION, 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 DESCRIBED PROPERTY. I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AS DESCRIBED IN THE SUBDIVISION PLATTED; THAT THE LOTS ARE OF THE DIMENSIONS, NUMBERS, NAMES, AND LOCATIONS AS SHOWN ON SAID PLAT, AND THAT IRON STAKES OR P.K. NAILS ARE SET AT EACH CORNER OF EVERY LOT OF SAID SUBDIVISION.

CRAIG W. BEEDLE, L.S. #17913 DATED _____
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023
NO. OF PAGES COVERED BY THIS CERTIFICATION = _____



INDEX LEGEND	
COUNTY:	WOODBURY
LOCATION:	SECTION 15, TOWNSHIP 87, RANGE 47
ALIQUOT PART:	W1/2 NE1/4
PROPRIETOR:	GWENDOLYN HODGES
REQUESTOR:	GWENDOLYN HODGES
SURVEYOR:	CRAIG BEEDLE
COMPANY:	VEENSTRA & KIMM, INC.
RETURN TO:	CRAIG BEEDLE, 203 SGT. SQ. DR. STE. B SERGEANT BLUFF, IA 51054 (712) 943-5055

DATE	REVISIONS	SCALE	1" = 100'
		DRAWN	CWB
		CHECKED	MEL
		APPROVED	CWB
		DATE	12 DEC 2021
		ISSUED FOR	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



INFINITE VIEW ADDITION
WOODBURY, IOWA

203 Sergeant Square Dr • Suite B • Sergeant Bluff, Iowa 51054-0220
712-943-5055 • 712-943-5088(FAX) • 877-241-8009(WATS)

DWG. NO.

1

PROJECT 365620

Minor Subdivision Final Plat INFINITE VIEW ADDITION

Woodbury County, Iowa

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT GWENDOLYN HODGES, THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF CRAIG BEEDLE, A PROFESSIONAL SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS INFINITE VIEW ADDITION TO WOODBURY COUNTY, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT SIOUX CITY, IOWA, THE _____ DAY OF _____, 2022.

GWENDOLYN HODGES, OWNER

STATE OF IOWA :
:SS
WOODBURY COUNTY :

ON THIS _____ DAY OF _____, 2022, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED GWENDOLYN HODGES.

NOTARY PUBLIC

TITLE OPINION

TO: COUNTY AUDITOR AND RECORDER
WOODBURY COUNTY, IOWA

Dear Sir:

We have this date examined a complete abstract of title, pursuant to Iowa Code Section 354.11(3), to the property described in the Surveyor's Certificate on the Plat of Infinite View Addition, Woodbury County, Iowa, described more particularly as:

The South Twelve (S 12) Acres of the Northwest Quarter (NW ¼) Northeast Quarter (NE ¼) and the North One-half (N ½) of the Southwest Quarter (SW ¼) Northeast Quarter (NE ¼) Section Fifteen (15), Township Eighty-seven (87) North, Range Forty-seven (47), West of the 5th P.M., Woodbury County, Iowa. Said parcel more particularly described as follows: Commencing at the North Quarter (N ¼) corner of said Section Fifteen (15) thence South One Degree Six Minutes Two Seconds (S 01°06'02") West (an assumed bearing) for Nine Hundred Twenty-four and Forty-seven Hundredths Feet (924.47") along the West line of the Northeast Quarter (NE ¼) to the point of beginning; thence South Eighty-seven Degrees Forty-six Minutes Seven Seconds (S 87°46'07") East for One Thousand Three Hundred Thirty-one and Fifty-seven Hundredths Feet (1,331.57") to the East line of the West One-half (W ½) Northeast Quarter (NE ¼); thence South One Degree Nine Minutes Fifty-two Seconds (S 01°09'52") West along said East line for One Thousand Fifty-one and Thirty Hundredths Feet (1,051.30") to the South line of the North One-half (N ½) Northwest Quarter (NW ¼) Northeast Quarter (NE ¼); thence North Eighty-seven Degrees Forty-six Minutes Five Seconds (N 87°46'05") West along said South line for One Thousand Three Hundred Thirty and Thirty-nine Hundredths Feet (1,330.39") to the West line of the Northeast Quarter (NE ¼); thence North One Degree Six Minutes Two Seconds (N 01°06'02") East along said West line for One Thousand Fifty-one and Thirty-one Hundredths Feet (1,051.31") to the point of beginning.

Said parcel contains 32.117 acres, more or less and is subject to easements of record.

Said abstract of title was last certified by Engleson Abstract Co., Inc. dated _____, 202__ at 8:59 o'clock a.m. and from said abstract find good and merchantable title to said premises vested in Gwendolyn Hodges, the proprietor, free and clear of all mortgages, liens and other encumbrances, except the following:

- Zoning Regulations filed March 5, 1971 in Book 1263 at Pages 9 to 78;
- Resolution Nos. 6332 and 6333 filed May 12, 1977 on Roll 62 at Images 2118 and 2120;
- Notice of filing of Soil and Water Resource Conservation Plan filed July 29, 1992 on Roll 266, Image 2343.
- Resolution No. 9460 filed December 12, 2000 on Roll 475, Image 935.
- Resolution No. 10,455 filed August 29, 2008 on Roll 699, Image 7213.
- Resolution No. 10,456 filed August 29, 2008 on Roll 699, Image 7313.
- Matters reflected on the final plat of Infinite View Addition, Woodbury County, Iowa.
- 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: _____, 202__.

ROBERT J. REHAN
Attorney at Law

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

We do hereby certify that we are the Chair and the Administrator of the Zoning Commission, Woodbury County Iowa, and we do further certify that said Zoning Commission did take under advisement the attached Plat and that said Zoning Commission did on

the _____ day of _____, 2022 recommend to the Woodbury County Board of Supervisors the acceptance and approval of said Subdivision.

Dated _____

Chair
Woodbury County Zoning Commission

Dated _____

Planning & Zoning Director
Woodbury County Zoning Commission

BOARD OF SUPERVISORS' RESOLUTION RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING INFINITE VIEW ADDITION, WOODBURY COUNTY IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE _____ DAY OF _____, 2022, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS INFINITE VIEW ADDITION, WOODBURY COUNTY, IOWA; AND

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 202__.

KEITH RADIG
CHAIRMAN
BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST: _____
PATRICK F. GILL
SECRETARY

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, Tina M. Bertrand, Treasurer of Woodbury County, Iowa, do hereby certify that the land described in the attached and foregoing Surveyor's Certificate is free from Certified Taxes and Certified Special Assessments.

Dated: _____

Tina M. Bertrand Treasurer
Woodbury County, Iowa

COUNTY ENGINEER'S CERTIFICATE

I, Mark Nahra, P.E., the county engineer of Woodbury County, Iowa, do hereby certify that the boundary lines of said plat were mathematically checked and conform with the requirements as provided for in the subdivision ordinance, that all dimensions both lineal and angular necessary for the location of lots, tracts, streets, and easements are shown, and that improvements meet accepted engineering design practice and were constructed in conformance with the Woodbury County subdivision ordinance for the unincorporated area of Woodbury County, Iowa.

Mark Nahra, P.E.
Woodbury County Engineer

Date

CERTIFICATE OF COUNTY ASSESSOR

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

Dated: _____

Julie Conolly, County Assessor
Woodbury County, Iowa

AUDITOR'S APPROVAL OF SUBDIVISION NAME

The County Auditor hereby accepts and approves the Name or Title of said subdivision plat as required by Code of Iowa Section 354.6(2).

Dated: _____

Patrick F. Gill, Woodbury County Auditor
By: Diane Swoboda Peterson, Deputy

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

State of Iowa)
:SS
Woodbury County)

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.

Dated: _____

Patrick F. Gill, Auditor and Recorder
By: Diane Swoboda Peterson, Deputy
Woodbury County, Iowa

CITY COUNCIL RESOLUTION TO WAIVE RIGHT TO REVIEW

CITY OF SALIX, IOWA

RESOLUTION NO. 2022-3

RESOLUTION TO WAIVE RIGHT TO REVIEW INFINITE VIEW ADDITION

WHEREAS, the City of Salix, Iowa has been presented with the Final Plat of Infinite View Addition, a Minor Subdivision to Woodbury County, Iowa; and

WHEREAS, said Subdivision is within the City's extraterritorial review area; and

WHEREAS, City Code provides the City may waive its right to review the Subdivision;

WHEREAS, being full informed on the matter, the Salix City Council takes the following action:

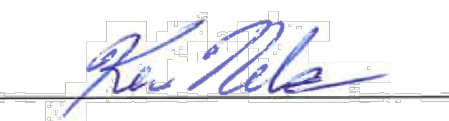
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Salix, Iowa, upon due consideration, declines to review and waives the right to extraterritorial review of said plat.

Motion by Clayton to adopt. Seconded by VanAuken

Roll call vote: Allen (aye), VanAuken (aye), Clayton (aye), Nelson (aye), Burkhart (aye)

Adopted and Approved at a regular meeting of the City Council of the City of Salix, Iowa on January 12, 2022.

CITY OF SALIX, IOWA


Kevin Nelson, Mayor

ATTEST:

Kathy Brouillette, City Clerk

DATE	REVISIONS	SCALE	NTS	VERIFY SCALE		INFINITE VIEW ADDITION WOODBURY, IOWA 203 Sergeant Square Dr • Suite B • Sergeant Bluff, Iowa 51054-0220 712-943-5055 • 712-943-5088(FAX) • 877-241-8009(WATS)	DWG. NO.	
		DRAWN	CWB	BAR IS ONE INCH ON ORIGINAL DRAWING.				2
		CHECKED	MEL	IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.				
		APPROVED	CWB					
		DATE	12 DEC 2021					
		ISSUED FOR			PROJECT	365620		



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

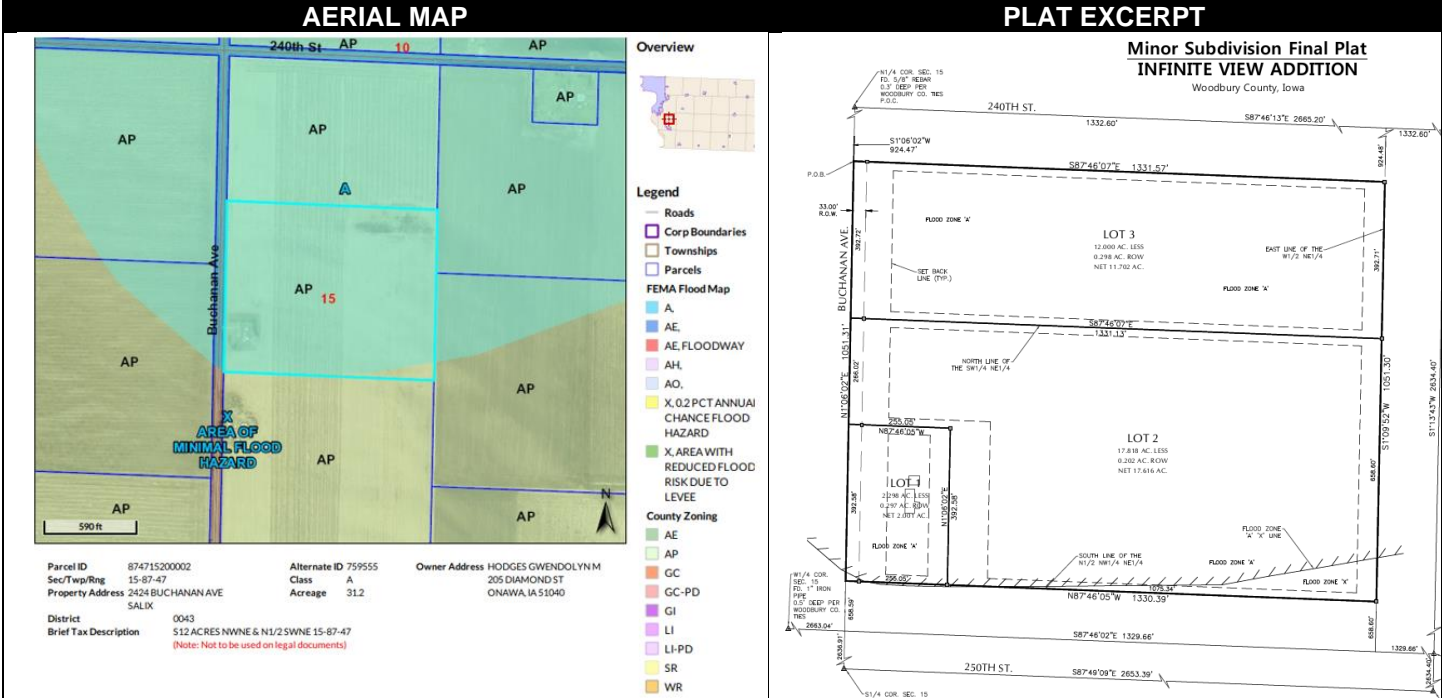
David Gleiser · Director · dgleiser@woodburycountyiowa.gov
 Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
 Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
 Telephone (712) 279-6609 Fax (712) 279-6530

**INFINITE VIEW ADDITION MINOR SUBDIVISION PROPOSAL
FINAL REPORT – 3/1/22**

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p>Owner(s): Gwendolyn M. Hodges Application Type: Minor Subdivision Subdivision Name: Infinite View Addition Application Date: February 1, 2022 Subdivision Area: 32.1 (3 Lots) Legal Notice Date: February 11, 2022 Stakeholders (1000') Letter Date: February 11, 2022 Zoning Commission Public Hearing Date: February 28, 2022 Zoning Commission Action: Recommended approval to the Board of Supervisors with a 4-0 vote.</p>	<p>Parcel(s): 874715200002 Township: T87N R47W (Liberty) Section: 15; Quarter: NW ¼ NE ¼ & SW ¼ NE ¼ Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Floodplain) Address: 2424 Buchanan Avenue, Salix, IA 51052</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Summary, Aerial & Plat Excerpt, Recommendation <input type="checkbox"/> Application <input type="checkbox"/> Review Criteria <input type="checkbox"/> Extraterritorial Review <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation

SUMMARY

Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. 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 Ordinances, this proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4-0 following their public hearing to recommend approval to the Board of Supervisors on February 28, 2022.. It is the recommendation of staff to approve this proposal.



ZONING COMMISSION AND STAFF RECOMMENDATION

The Woodbury County Zoning Commission voted 4-0 following their public hearing to recommend approval to the Board of Supervisors on February 28, 2022.

Staff recommends approval of this minor subdivision proposal as it meets the requirements of the zoning and subdivision ordinance.

ZONING COMMISSION DRAFT MINUTES – 2/28/22

Minutes - Woodbury County Zoning Commission Meeting – February 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of February at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Gwendolyn Hodges (teleconference), Craig Beedle (teleconference)

Call to Order

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

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 1/24/22 minutes were approved. Motion to approve: Bride. Second: Meister. Motion approved 3-0 with 1 Abstention: O'Tool.

Public Hearing: Infinite View Addition Minor Subdivision Proposal

Priestley read the staff report into the record. Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). The applicant received the Base Flood Elevation (BFE) determination from the Iowa DNR and that data will be subsequently recorded in the Woodbury County Recorder's office (Lot 1: 1083.7 FT; Lot 2: 1084.2 FT; Lot 3: 1084.3 FT). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Bride inquired if the well and septic were contained on Lot 1. Priestley stated that according to the surveyor, they are contained on the lot. Motion to close the public hearing: O'Tool. Second: Meister. Motion approved. 4-0. Motion to recommend approval of the Infinite View Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Rules of Procedure for Zoning Commission Adoption

Priestley presented the Zoning Commission Rules of Procedure that were formally approved by the Woodbury County Board of Supervisors on February 8, 2022. Motion to adopt: Meister. Second: O'Tool. Motion approved 4-0.

Draft Floodplain Ordinance Update

Priestley offered an update about the status of the draft floodplain development ordinance that was recommended for approval to the Board of Supervisors by the Zoning Commission on May 24, 2021. The approval process was placed on hold during the summer of 2021. The Iowa Department of Natural Resources (IDNR) reviewed the ordinance draft on June 1, 2021 and February 17, 2022 and provided approval with some minor adjustments for clarification and formatting. The IDNR revisions were presented to Zoning Commission for their review and recommendation to the Board of Supervisors. Motion to accept the IDNR changes and recommend approval of the draft floodplain ordinance to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the approval of the draft floodplain maps are being delayed by FEMA due to an issue with the proposed panel numbers. The draft floodplain maps are the same. The FEMA public notice process will likely begin again around July of 2022 and the maps could likely be adopted in February of 2024.

Adjourn

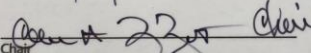
Motion to adjourn: O'Tool. Second: Meister. Motion approved 4-0. Meeting adjourned at 6:30 PM.

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

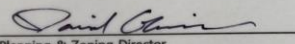
We do hereby certify that we are the Chair and the Administrator of the Zoning Commission, Woodbury County Iowa, and we do further certify that said Zoning Commission did take under advisement the attached Plat and that said Zoning Commission did on

the 28 day of February, 2022 recommend to the Woodbury County Board of Supervisors the acceptance and approval of said Subdivision.

Dated 2/28/2022


Chair
Woodbury County Zoning Commission

Dated 2/28/22


Planning & Zoning Director
Woodbury County Zoning Commission

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: Gwendolyn Hodges Name of Owner

Mailing Address: 205 Diamond St. Onawa Iowa 51040+1675
 Street City or Town State and Zip + 4

Property Address: 2424 Buchanan Ave. Salix Iowa 51052+8042
 Street City or Town State and Zip + 4

Ph/Cell #: 712-899-6388 E-mail Address: hodges.gwenjean@gmail.com

To subdivide land located in the NE Quarter of Section 15-87-47

Civil Township Liberty GIS Parcel # 874715200002

Name of Subdivision: Infinite View Addition

Subdivision Area in Acres 32.117 Number of Lots 3

Attachments:

1. Ten (10) copies of grading plans; if required.
2. Twenty six (26) 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: Craig Beedle Ph/Cell: 712-253-3328

Attorney: Robert Rehan Ph/Cell: 712-255-1085

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

Owner's Signature: Gwen J. Hodges

Zoning Director: [Signature]
Coordinator

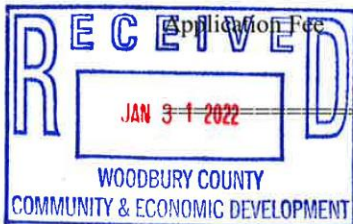
For Office Use Only:

Zoning District AP Flood District X Date 1-31-22 No. 6733

Application Fee

4 Lots or less (\$200) \$ 200 CK # 5247

5 Lots or more (\$250 plus \$5 per lot) _____



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 does not recommend any specific use conditions for this final plat. Staff recommends approval of the final plat based on the following: <ul style="list-style-type: none"> 1) Property owner should receive the Base Flood Elevation (BFE) data for the area within the subdivision that is within the Special Flood Hazard (Zone A - floodplain) from the Iowa Department of Natural Resources (IDNR) and record a separate document in the Woodbury County Recorder's office disclosing the BFE no later than 120 days following approval of the subdivision plat. The BFE data request has been completed and the data will be recorded.

ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)

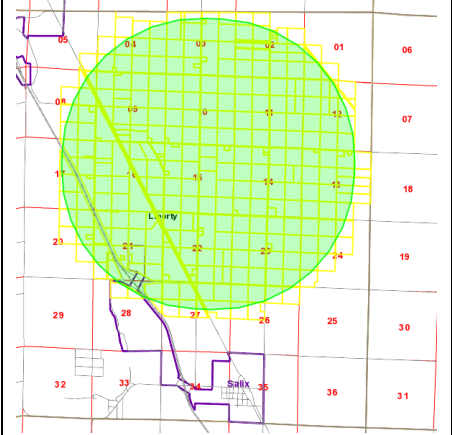
The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:

	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

This property is within two (2) miles of the Salix corporate boundary and requires extraterritorial review under Iowa Code, Section 354.9. On January 12, 2022, the City of Salix City Council adopted and approved Resolution No. 2022-3 waiving their right to review the Infinite View Addition.



CITY COUNCIL RESOLUTION TO WAIVE RIGHT TO REVIEW

CITY OF SALIX, IOWA
RESOLUTION NO. 2022-3

RESOLUTION TO WAIVE RIGHT TO REVIEW INFINITE VIEW ADDITION

WHEREAS, the City of Salix, Iowa has been presented with the Final Plat of Infinite View Addition, a Minor Subdivision to Woodbury County, Iowa; and

WHEREAS, said Subdivision is within the City's extraterritorial review area; and

WHEREAS, City Code provides the City may waive its right to review the Subdivision;

WHEREAS, being full informed on the matter, the Salix City Council takes the following action:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Salix, Iowa, upon due consideration, declines to review and waives the right to extraterritorial review of said plat.

Motion by Clayton to adopt. Seconded by VanAuken
Roll call vote: Allen (aye), VanAuken (aye), Clayton (aye), Nelson (aye), Burkhart (aye)

Adopted and Approved at a regular meeting of the City Council of the City of Salix, Iowa on January 12, 2022.

CITY OF SALIX, IOWA

Kevin Nelson
Kevin Nelson, Mayor

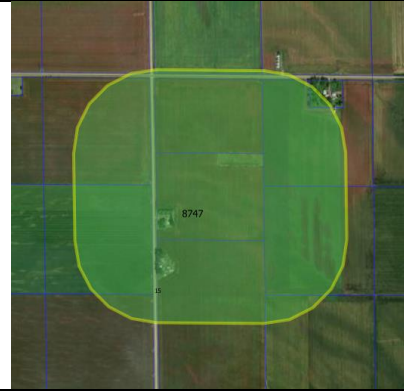
ATTEST:
Kathy Brouillette
Kathy Brouillette, City Clerk

LEGAL NOTIFICATION

Published in the Sioux City Journal's Legals Section on February 11, 2022.

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 proposed minor subdivision described in detail on February 28, 2022 at 6:00 PM or as soon thereafter as the matter may be heard. The hearing will be held at the Board of Supervisors Meeting Room, Number 104, County Courthouse, 603 Douglas Street, Sioux City, Iowa. Copies of the Final Plat and Final Plat Map of the Economic Development on the 6th Floor at 104 Douglas Street, Sioux City, Iowa. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or by written statement during the meeting to hear or comment.
Item One (1) MINOR SUBDIVISION: To be known as Infinite View Addition - a three-lot minor subdivision in a 32.1-acre portion of Section 16, Township 35N, Range 10W, in the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4, on Parcel 87471500002. The parcel is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area. Property Owner: Genevieve M. Hodges, Property Address: 2424 Buchanan Ave., Sioux City, IA 51103.
Published in the Sioux City Journal February 11, 2022. LGL#R5182

PROPERTY OWNER(S) NOTIFICATION – 1000'



The **eleven (11)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **February 11, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **February 28, 2022 at 6:00 PM.**

As of **February 21, 2022**, the Community and Development office has received:

- 2 Phone Inquiries
- 1 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
GWENDOLYN M. HODGES	205 Diamond Street, Onawa, IA 51040	No comments.
RUSSELL PETERSEN	2442 Buchanan Avenue, Salix, IA 51052-8042	2/14/22: Phone Inquiry - Russell asked about lot dimensions. 2-16-22 TO: WOODBURY COUNTY ECONOMIC DEVELOPMENT THIS WRITING IS IN RESPONSE TO YOUR NOTICE DATED 2-11-22 CONCERNING GWEN HODGES MINOR SUBDIVISION APPLICATION 2424 BUCHANAN AVE, SALIX, IOWA - PARCEL 874215200002. I CAN ONLY ASSUME THAT YOUR OFFICE IS AWARE THAT INDUSTRIAL DEVELOPERS HAVE BEEN AND ARE NOW EVALUATING REAL ESTATE NEAR GWEN'S SO CALLED "INFINITE VIEW ADDITION." BROTHER, NEIGHBOR Russell Petersen 918 344 4671
VICKI S. MATHIESEN MARITAL TRUST	PO Box 686, Ponca, NE 68770	No comments.
TRUSTEE OF THE MARY CATHERINE WESTOVER DECLARATION OF TRUST	9575 King Fisher Trail, Traverse City, MI 49685	No comments.
GAYLAN L. JOHNSTON AND ANN L. FOWLER-JOHNSTON	1584 240th Street, Salix, IA 51052-8062	2/15/22: Phone Inquiry - Gaylan inquired if this was for a housing development. He was told that one lot was for splitting the homestead and the two remaining lots were for continued farming.
TRUST U/W OF RICHARD L. FOLSOM, SR.	1503 250th Street, Salix, IA 51052-8011	No comments.
GEORGE A. NELSON AND JODI L. NELSON	2514 Buchanan Avenue, Salix, IA 51052-8043	No comments.
JAMES R. BAUMANN	PO Box 7751, Ruidoso, MN 88355	No comments.
ARLAND H. FREIBERG AND CARMEN E. FREIBERG	2287 Buchanan Avenue, Sergeant Bluff, IA 51054	No comments.
SHERMAN W. WOLLESEN AND SUSAN WOLLESEN	1421 Fayette Avenue, Lawton, IA 51030	No comments.
RICHARD FREIBERG AND MARLA J. FREIBERG, OR THEIR SUCCESSOR, AS CO-TRUSTEES OF THE RICHARD L. FREIBERG REVOCABLE TRUST AND MARLA J. FREIBERG AND RICHARD L. FREIBERG, OR THEIR SUCCESSOR, AS CO-TRUSTEES OF THE MARLA J. FREIBERG REVOCABLE TRUST	PO Box 88, Bancroft, NE 68004	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 2/2/21.
FARMER'S DRAINAGE DISTRICT:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LOGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	This project will not impact Magellan. – Bryan Ferguson, 2/2/21.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed minor subdivision for MEC electric there are: No Conflicts. Thanks Daniel, let me know if you have any questions or concerns. – Casey Meinen, 2/1/22.

MIDAMERICAN ENERGY COMPANY (Gas Division):	I reviewed this for the MEC Gas department. There are no conflicts for us either. Let me know if you have any other questions/concerns. – Tyler Ahlquist, 2/1/22.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO does not have any facilities at or adjacent to this location. NIPCO has no issues with this request. – Jayme Huber, 2/1/22.
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:	I don't have any concerns at this time. – Rebecca Socknat, 2/1/22.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW.
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comment regarding this proposal. – Neil Stockfleth, 2/1/22.
WOODBURY COUNTY TREASURER:	The taxes are current. The first half payment was made on Sept. 14, 2021 and the second half payment was made on Dec. 20, 2021. – Kimberlee Koepke, 2/1/22.

REVIEW MEMO - WOODBURY COUNTY ENGINEER – MARK NAHRA, PE



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
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: February 9, 2022

Subject: Infinite View Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated February 1, 2022.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. The driveway for Lot 1 has been in use for several years and is approved for continued use. Adequate sight distance exists to permit new drives for Lots 2 and 3. The current or future owner will need to apply to my department for an entrance permit if driveways are needed in the future.
- 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

Beacon™ Woodbury County, IA / Sioux City

Summary

Parcel ID 874715200002
 Alternate ID 759555
 Property Address 2424 BUCHANAN AVE
 SALIX IA 51052
 Sec/Twp/Rng 15-87-47
 Brief Tax Description 512 ACRES NWNE & N1/2 SWNE 15-87-47
 (Note: Not to be used on legal documents)
 Deed Book/Page 0-0 (3/8/1987)
 Gross Acres 31.20
 Net Acres 31.20
 Adjusted CSR Pts 2385.68
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0043 LIBERTY/WESTWOOD
 School District WESTWOOD.COMM
 Neighborhood N/A



Owner

Deed Holder
 Hodges Gwendolyn M
 205 Diamond St
 Onawa IA 51040

Contract Holder

Mailing Address
 Hodges Gwendolyn M
 205 Diamond St
 Onawa IA 51040

Land

Lot Area 31.20 Acres ; 1,359,072 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style Mfd Home (Double)
 Architectural Style N/A
 Year Built 1986
 Condition Above Normal
 Roof Asph / Gable
 Flooring
 Foundation Pier
 Exterior Material Vinyl
 Interior Material Plac
 Brick or Stone Veneer
 Total Gross Living Area 1,395 SF
 Main Area Square Feet 1395
 Attic Type None;
 Number of Rooms 5 above; 0 below
 Number of Bedrooms 3 above; 0 below
 Basement Area Type None
 Basement Area 0
 Basement Finished Area
 Plumbing 1 Base Plumbing (Full); 1 Three Quarter Bath;
 Appliances
 Central Air Yes
 Heat Yes
 Fireplaces
 Porches 15 Frame Enclosed (144 SF);
 Decks Asph/Wd Roof OH-Med (45 SF);
 Additions
 Garages 528 SF - Det Frame (Built 1992);

Valuation

Classification	2021	2020	2019	2018	2017
+ Assessed Land Value	\$60,980	\$57,090	\$57,090	\$83,090	\$83,090
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$55,870	\$47,880	\$47,880	\$43,530	\$43,530
= Gross Assessed Value	\$116,850	\$104,970	\$104,970	\$126,620	\$126,620
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$116,850	\$104,970	\$104,970	\$126,620	\$126,620

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](#)

SOIL REPORT

Summary

Parcel ID	874715200002
Gross Acres	31.20
ROW Acres	0.00
Gross Taxable Acres	31.20
Exempt Acres	0.00
Net Taxable Acres	31.20 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	77.70 (2424.31 CSR2 Points / 31.2 Gross Taxable Acres)

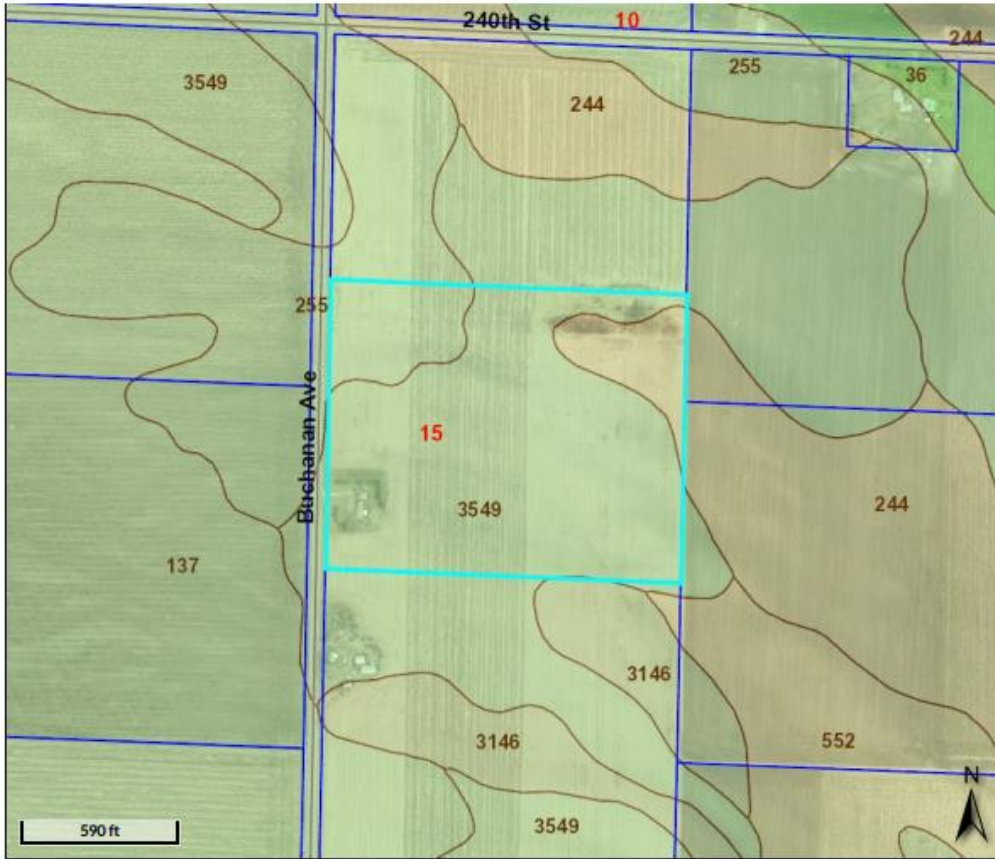
Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	30.04	77.77	2,336.15	2,336.15
Non-Crop	1.16	76.00	88.16	49.53
Total	31.20		2,424.31	2,385.68

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	255	COOPER SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	86.00	3.87	332.82	332.82
100% Value	244	BLEND SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	81.00	2.89	234.09	234.09
100% Value	3549	MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	23.27	1,768.52	1,768.52
100% Value	3146	ONAWA-ALBATON COMPLEX, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	0.01	0.72	0.72
Non-Crop	3549	MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	1.16	88.16	49.53
Total				31.20	2,424.31	2,385.68



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 874715200002
 Sec/Twp/Rng 15-87-47
 Property Address 2424 BUCHANAN AVE
 SALIX

Alternate ID 759555
 Class A
 Acreage 31.2

Owner Address HODGES GWENDOLYN M
 205 DIAMOND ST
 ONAWA, IA 51040

District 0043
 Brief Tax Description S12 ACRES NWNE & N1/2 SWNE 15-87-47
 (Note: Not to be used on legal documents)

BASE FLOOD ELEVATION (BFE)



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS

LT. GOVERNOR ADAM GREGG

DIRECTOR KAYLA LYON

2/22/2022

GWENDOLYN HODGES
C/O CRAIG BEEDLE
VEENSTRA & KIMM, INC.
203 SERGEANT SQUARE DRIVE
SUITE B
SERGEANT BLUFF, IA 51054

Project Description: Base Flood Elevations for three lots at 2424 Buchanan Avenue (Reach 171- Tributary to Farmer's Ditch)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.3543/-96.3004; Woodbury County

Iowa DNR Project ID Number: 2021-2400

Dear Craig Beedle:

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

Based on the information available, we estimate the current existing condition 100-year flood elevation for the three lots to be:

Lot 1: 1083.7 ft., NAVD88

Lot 2: 1084.2 ft., NAVD88

Lot 3: 1084.3 ft., NAVD88

You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMIT website using the tracking number above. (PERMIT Website Address: <https://programs.iowadnr.gov/permit/>)

Please contact me by phone at 515-443-9196 or by email at Karen.Smith@dnr.iowa.gov with any questions.

Sincerely,

Digitally signed by Karen Smith, P.E., CFM
DN: cn=Karen Smith, P.E., CFM, o=Iowa
Department of Natural Resources,
ou=Floodplain Management and Dam
Safety, email=karen.smith@dnr.iowa.gov,
c=US
Date: 2022.02.22 11:03:28 -0500

Karen Smith
Flood Plain Management and Dam Safety Section

CC: Gwendolyn Hodges; 205 Diamond Street, Onawa, IA, 51040, hodges.gwenjean@gmail.com

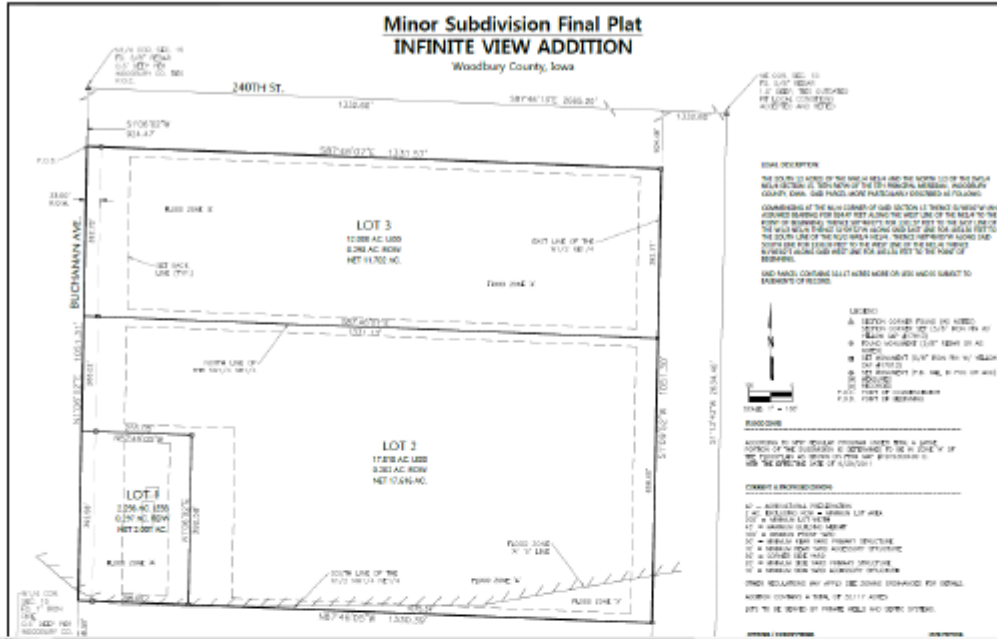
Phone: 515-725-8200

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

www.iowaDNR.gov

Fax: 515-725-8202

Minor Subdivision Final Plat
INFINITE VIEW ADDITION
 Woodbury County, Iowa



ELEVATION



WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/3/22 Weekly Agenda Date: 3/8/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Coordinator

WORDING FOR AGENDA ITEM:

Setting Date and Time for 3 Public Hearings on a Proposed Zoning Ordinance Text Amendment

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

This item requests the Board to set the dates and times for 3 public hearings on proposed amendments to the text of the Zoning Ordinance (Section 5.03) pertaining to the floodplain management ordinance.

BACKGROUND:

Woodbury County adopted its first Zoning Ordinance in 1971. There has since been a handful of revisions to the Ordinance as various laws and regulations have changed over time. The current Ordinance and floodplain management regulations became effective in 2008. This amendment is required as Woodbury County is a delegated community that must follow current federal and state guidelines when managing the special flood hazard area to remain compliant with the National Flood Insurance Program (NFIP). The Iowa Department of Natural Resources (IDNR) has provided Woodbury County with the compliant draft floodplain regulations and has offered their approval for adoption. The Woodbury County Zoning Commission has recommended the adoption of the revised ordinance amendment at their 2/28/22 public meeting.

FINANCIAL IMPACT:

0

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Set the date and time for 3 public hearings for the proposed Zoning Ordinance Text Amendment:
Tuesday, 03/22/22, ___:___ PM
Tuesday, 03/29/22, ___:___ PM
Tuesday, 04/05/22, ___:___ PM

ACTION REQUIRED / PROPOSED MOTION:

Motion to set the date and time for 3 public hearings for the proposed Zoning Ordinance Text Amendment:
Tuesday, 03/22/22, ___:___ PM
Tuesday, 03/29/22, ___:___ PM
Tuesday, 04/05/22, ___:___ PM



WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser · Director · dgleiser@woodburycountyiowa.gov
Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

REPORT – March 3, 2022

ZONING ORDINANCE TEXT AMENDMENT PROPOSAL

Section 5.03: FLOODPLAIN MANAGEMENT ORDINANCE

BACKGROUND AND ZONING COMMISSION RECOMMENDATION

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission recommended approval following their public hearing on May 24, 2021 in a 5-0 vote. The IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

STAFF RECOMMENDATION

To be a part of the National Flood Insurance Program (NFIP), it is required that local governments comply through their ordinances with federal regulations concerning development within the floodplain. This ordinance, as developed by the IDNR, complies with both federal and state regulations. Staff recommends that the Iowa Draft Floodplain Management Ordinance be adopted thereby repealing and replacing Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT: Floodplain Management Ordinance. A proposal to amend the text of the Woodbury County Zoning Ordinance to repeal and replace Section 5.03: Floodplain Management Ordinance with a revised Floodplain Management Ordinance. The ordinance establishes floodplain zoning overlay districts for the flood hazard areas within the unincorporated area of Woodbury County as identified by the flood insurance study and regulates development only in those floodplain zones. This ordinance establishes a development permit system which requires a permit for all development within the floodplain zones. The proposed ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program as required by the Federal Emergency Management Agency. Specific floodplain management criteria are set forth in Section 60.3(d) of the rules and regulations as published in the October 1, 1994, Federal Register. This ordinance is a special-purpose zoning ordinance established under authority of Chapter 335 of the Iowa Code. Violations of the provision of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as it is necessary to prevent or remedy violation.

ZONING COMMISSION MINUTES – MAY 24, 2021

Minutes - Woodbury County Zoning Commission Meeting – May 24, 2021

The Zoning Commission (ZC) meeting convened on the 24th of May 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeffrey O'Tool
County Staff Present: David Gleiser, Dan Priestley
Public Present: Joshua Watson, Agent of US Cellular (USC)

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:02 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 4/26/21 minutes were approved. Motion to approve: O'Tool. Second: Parker. Vote: 5-0.

Public Hearing on Floodplain Management Ordinance Proposal

Director Gleiser read the summary of zoning ordinance text amendment into the record and provided a chronological timeline of the county's work with the floodplain management ordinance. The Commission recognized reviewing the ordinance at 5 of their previous public meetings and during their current public hearing. Throughout the Commission's review of the ordinance, there has been unanimous consensus on adopting the least restrictive criteria possible. As proposed, the ordinance complies with both federal and state regulations. Motion to recommend approval of the ordinance as proposed to the Board of Supervisors: Parker. Second: Bride. Motion passed: 5-0.

Conditional Use Permit (CUP) – Cellular Tower Proposal

Director Gleiser read the preliminary report and staff recommendation into the record. Gleiser noted the application was complete, thorough, and adequately met the criteria to be issued a CUP. Joshua Watson, representative agent of USC was present and addressed the Commission's general questions relating the CUP application. Coordinator Priestley stated that since the printing/distribution of the meeting packet, Northern Natural Gas (NNG) was the only entity to contact the CED office regarding the project. NNG stated they have no issues with the project. Motion to recommend approval of the CUP application the Board of Adjustment: O'Tool. Second: Parker. Motion passed: 5-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Motion to adjourn: Parker. Second: Meister. Motion passed: 5-0. Meeting adjourned at 6:22 PM.

ZONING COMMISSION DRAFT MINUTES – FEBRUARY 28, 2022

Minutes - Woodbury County Zoning Commission Meeting – February 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of February at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Gwendolyn Hodges (teleconference), Craig Beedle (teleconference)

Call to Order

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

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 1/24/22 minutes were approved. Motion to approve: Bride. Second: Meister. Motion approved 3-0 with 1 Abstention: O'Tool.

Public Hearing: Infinite View Addition Minor Subdivision Proposal

Priestley read the staff report into the record. Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). The applicant received the Base Flood Elevation (BFE) determination from the Iowa DNR and that data will be subsequently recorded in the Woodbury County Recorder's office (Lot 1: 1083.7 FT; Lot 2: 1084.2 FT; Lot 3: 1084.3 FT). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Bride inquired if the well and septic were contained on Lot 1. Priestley stated that according to the surveyor, they are contained on the lot. Motion to close the public hearing: O'Tool. Second: Meister. Motion approved. 4-0. Motion to recommend approval of the Infinite View Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Rules of Procedure for Zoning Commission Adoption

Priestley presented the Zoning Commission Rules of Procedure that were formally approved by the Woodbury County Board of Supervisors on February 8, 2022. Motion to adopt: Meister. Second: O'Tool. Motion approved 4-0.

Draft Floodplain Ordinance Update

Priestley offered an update about the status of the draft floodplain development ordinance that was recommended for approval to the Board of Supervisors by the Zoning Commission on May 24, 2021. The approval process was placed on hold during the summer of 2021. The Iowa Department of Natural Resources (IDNR) reviewed the ordinance draft on June 1, 2021 and February 17, 2022 and provided approval with some minor adjustments for clarification and formatting. The IDNR revisions were presented to Zoning Commission for their review and recommendation to the Board of Supervisors. Motion to accept the IDNR changes and recommend approval of the draft floodplain ordinance to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the approval of the draft floodplain maps are being delayed by FEMA due to an issue with the proposed panel numbers. The draft floodplain maps are the same. The FEMA public notice process will likely begin again around July of 2022 and the maps could likely be adopted in February of 2024.

Adjourn

Motion to adjourn: O'Tool. Second: Meister. Motion approved 4-0. Meeting adjourned at 6:30 PM.

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SECTION 5.03 ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE" WITH A REVISED "FLOODPLAIN MANAGEMENT ORDINANCE" THAT MEETS THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGAUGE AMENDMENT BE MADE:

Amendment #1 –

Beginning on page 56: remove Section 5.03: Floodplain Management Ordinance and replace with the following:

Section 5.03: Floodplain Management Ordinance

1. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- F. Enclosed Area Below Lowest Floor** – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 5.03-7 B(4)(a) of this Ordinance, and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - (4) The enclosed area is not a "basement" as defined in this section.

- G. Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- I. Expansion Of Existing Factory-Built Home Park Or SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home** - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park Or Subdivision** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood** – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- N. Flood Insurance Rate Map (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- O. Flood Insurance Study (FIS)** – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain** - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- S. Floodway** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe** - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- V. Historic Structure** - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. Minor Projects - Small development activities (except for filling, grading and excavating) valued at less than \$500.

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (3) Basement sealing;
- (4) Repairing or replacing damaged or broken window panes;
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

EE. Start Of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

FF. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
- (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.

JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

2. Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

- (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

- (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
- (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. **Statement of Purpose.** It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5.03-2.B(1) of this Ordinance with provisions designed to:

- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - (i) Development placed within the Floodway (Overlay) District results in any of the following:
 - (1) An increase in the Base Flood Elevations, or
 - (2) Alteration to the floodway boundary
 - (ii) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - (iii) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (j) Perform site inspections to ensure compliance with the standards of this Ordinance.
- (k) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes..
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the base flood.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

5. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
- B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;

- C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
- D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

6. Floodway (Overlay) District (FW)

A. Permitted Uses

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All development within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) Structures, if permitted, shall have low flood damage potential and shall not be for human habitation.
- (6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All development shall:

- (a) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.

(4) All new and substantially improved structures:

- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - (d) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- (5) Factory-built homes:
- (a) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
 - (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- (6) Utility and Sanitary Systems:
- (a) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

(11) Accessory Structures to Residential Uses

- (a) 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
- (i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) f. The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual

chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8. General Floodplain (Overlay) District (GF)

A. Permitted Uses

(1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District. .

(2) Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
- (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

B. Performance Standards

(1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.

(2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

9. Shallow Flooding (Overlay) District (SF)

A. Permitted Uses. All development within the Shallow Flooding District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

(2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

- (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- C. Hearings and Decisions of the Board of Adjustment
 - (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the

Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.

- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.
- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

13. Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

ADOPTED AND PASSED by the Board of Supervisors of Woodbury County, Iowa

Dated this ____ day of _____ 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

ATTEST

Patrick F. Gill, Woodbury County Auditor

Adoption Timeline

Public Hearing & 1st Reading:

2nd Reading:

3rd Reading:

Adopted:

Effective:

CURRENT - EFFECTIVE ORDINANCE

8. Standards for off-premise advertising signs.

A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 add'l. sq.ft. per 1' add'l separation up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

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- C. **Statement of Purpose.** It is the purpose of this Section 5.03 (referred to as “this Ordinance” within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1.B(1) of this Ordinance with provisions designed to:
- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated June 17, 1991 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provi-

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sion of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway District (FW),
- B. Floodway Fringe District (FF),
- C. General Floodplain District (FP),
- D. Shallow Flooding District (SF) and
- E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

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hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (2) All uses within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
 - (e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

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- (g) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (h) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (j) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

5. Floodway Fringe (Overlay) District FF

- A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
- B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.
 - (1) All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
 - (3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) ele-

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vated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

- (4) All new and substantially improved structures:
- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Factory-built homes:
- (a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - (b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may in-

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clude, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (6) Utility and Sanitary Systems:
 - (a) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-

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year flood elevation data for those areas located within the Floodplain (Overlay) District.

(11) Accessory Structures

- (a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
- (b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of

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structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
- (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

- (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

SUPPLEMENTAL REQUIREMENTS

tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (2) All uses within the DI District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
 - (e) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the DI District within the time available after flood warning.
 - (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

SUPPLEMENTAL REQUIREMENTS

- (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.
- B. Floodplain Development Permit
- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
 - (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
 - (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.

SUPPLEMENTAL REQUIREMENTS

- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels

SUPPLEMENTAL REQUIREMENTS

shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- (5) Hearings and Decisions of the Board of Adjustment
- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
 - (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

SUPPLEMENTAL REQUIREMENTS

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the County.
 - The requirements of the facility for a floodplain location.
 - The availability of alternative locations not subject to flooding for the proposed use.
 - The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - Such other factors which are relevant to the purpose of this Ordinance.
- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise,

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hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be

SUPPLEMENTAL REQUIREMENTS

interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Existing Construction - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. Existing Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- K. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, in-

SUPPLEMENTAL REQUIREMENTS

- cluding but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- Q. Historic Structure - Any structure that is:
- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
- R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - (4) The enclosed area is not a "basement" as defined in this subsection.

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- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
- U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- V. Recreational Vehicle - A vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. Start of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SUPPLEMENTAL REQUIREMENTS

- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

Section 5.04: Adult Use Regulations

1. **Applicability.** The regulations in this section apply to adult uses as allowed in Section 3.03-4 (i.e., as allowed uses in the GI, General Industrial Zoning District) and hereby establish specific locational and development requirements intended to minimize potential negative secondary effects of those adult uses.
2. **Locational requirements.** No adult use shall be established less than 1000 feet from any of the following:
 - A. Any other adult use.
 - B. Residentially zoned or used property.
 - C. Public parks or recreational areas.
 - D. A church or similar place of religious worship or study.
 - E. A public or private elementary or secondary school.
 - F. A library, museum or other cultural facility.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 03/03/2022 Weekly Agenda Date: 03/08/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consider approval of contract for bridge inspection contract for 2022

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

A contract with Calhoun Burns and Associates is being presented to the Board for inspection of 152 structures requiring inspection in calendar year 2022.

BACKGROUND:

Counties are required by state and federal law to conduct bridge inspections on all bridges over 20' in length in compliance with National Bridge Inspection Standards (NBIS). Woodbury County Secondary Road Department has utilized consulting staff to perform these inspections on county bridges. Calhoun Burns and Associates is recommended for continuation of required bridge inspections for 2022.

FINANCIAL IMPACT:

Bridge inspections are paid from the local secondary road fund out of our administration-engineering budget line items.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

I recommend that the Board approve the contract with Calhoun Burns and Associates for bridge inspection for calendar year 2022.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the contract with Calhoun Burns and Associates for bridge inspection for calendar year 2022.



January 21, 2022

Mark J. Nahra, P.E.
Woodbury County Engineer
759 E. Frontage Road
Merville, IA 51039-8199

RE: WOODBURY COUNTY BRIDGE INSPECTION AND RATING PROGRAM – 2022

Dear Mr. Nahra:

This proposal for bridge inspection and rating services for your 2022 Program is submitted in accordance with your request for professional structural engineering services. You have asked us to reinspect and rate approximately 152 structures in 2022 from the attached list for the Standard Rating and HS-20 or HL-93 Design Trucks. We will complete Program Manager and Team Leader assignments, provide master lists, cost estimating and summary listing per the Iowa DOT and FHWA guidelines and requirements.

We propose to reinspect these 152 structures in 2022 for a fee of \$201.18 per bridge. We will perform any required load rating computations including any new rating trucks and update scour evaluations to justify deficiencies, changes, replacements, repairs, funding, etc., at the following estimated rates:

- Load Rating Computations: \$125.00 Each
- Updated Level A or B Scour Evaluations: \$105.00 Each

In addition to the above, we will provide assistance with the implementation of the SIIMS database, and any extra work requested at our hourly rates. Any special equipment costs will be charged to the County as a direct expense as we have done in the past.

Please review this proposal and, if it is acceptable, return one signed and dated copy to us. We will do another good job for you and Woodbury County.

Sincerely,

Jeff M. Fadden, P.E.
Vice President

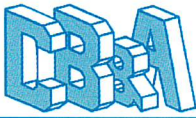
ACCEPTED FOR WOODBURY COUNTY:

Board of Supervisors, Chair

RECOMMENDED FOR APPROVAL:

Mark J. Nahra, P.E.
Woodbury County Engineer

Date: _____



WOODBURY COUNTY BRIDGE INSPECTION AND RATING PROGRAM

The following bridges shall be inspected and completed reports submitted:

2022

<u>Bridge No.</u>	<u>Bridge No.</u>	<u>Bridge No.</u>	<u>Bridge No.</u>	<u>Bridge No.</u>	<u>Bridge No.</u>
A-049	C-280	E-245	G-164-2	L-162-1	Q-050
A-208	D-015	E-260	G-168	L-238	Q-052
A-225	D-018	E-265	G-172	M-184	Q-053-1
B-064	D-019	E-308	G-179	M-299	Q-072
B-110	D-028	F-010	G-187	N-191	T-004
B-139	D-042	F-019	H-029	N-209	T-017-1
B-213	D-054	F-028	H-103	O-029	T-053
C-007	D-056	F-049	H-109	O-074	U-012
C-010	D-070	F-052	H-120	O-102	U-015
C-027	D-089	F-073	H-135	P-006	U-017-1
C-029	D-098	F-074	H-181	P-027	U-023
C-043	D-106	F-103-1	H-193	P-035	U-044
C-064	D-108	F-115	H-203	P-078	U-086-2
C-086	D-137	F-117	H-248	P-107	U-091
C-103	D-186	F-130	H-266	P-191	U-103-1
C-113	D-270	G-022-1	J-009	P-237	U-105
C-130	E-006	G-043	J-178	P-253	U-137
C-158	E-034	G-058	K-014-10	P-260	U-138
C-180-1	E-063	G-089	K-020	P-276	U-155
C-192	E-066	G-106	K-046	P-280	V-117
C-208	E-092	G-127	K-023	P-283	X-101
C-213	E-093	G-135-2	K-103	P-285	X-116
C-224	E-099	G-146	K-118	Q-014-1	
C-241	E-116	G-149	K-185	Q-016	
C-246	E-229-1	G-151	K-199	Q-018	
C-266	E-239	G-156	K-203	Q-018-1	

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 02/25/2022 Weekly Agenda Date: 03/08/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consider approval of plans for project number STBG-SWAP-C097(144)--FG-97

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

Plans have been completed for a project which will replace the pavement on K25/Port Neal Rd South of 225th Street and North of 2445 Port Neal Road.

BACKGROUND:

The project begins at 2445 Port Neal Road and replaces the existing 22' wide pavement with 24' wide pavement up to 225th Street.

FINANCIAL IMPACT:

The projects are paid for with federal aid replacement funds (SWAP) and Woodbury County Farm to Market road funds.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

I recommend that the Board approve the plans for project number STBG-SWAP-C097(144)--FG-97 .

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the plans for project number STBG-SWAP-C097(144)--FG-97 .

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/3/2022

Weekly Agenda Date: 3/8/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: County Auditor Pat Gill

WORDING FOR AGENDA ITEM:

County Parking Plan Approval for FY23.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Previously, the Board has designated the county auditor to present a parking plan for County Officials each fiscal year for their approval. Attached is the plan for the FY23 with one change. There are two spots within Courthouse footprint. This plan designates one spot for Budget/Tax Analyst use in anticipation for the loss of parking by the LEC building and a waiting list for the Williges garage.

BACKGROUND:

FINANCIAL IMPACT:

The change to the plan has no financial impact.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve the parking plan.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the Fiscal Year 22-23 County Parking Plan.

FISCAL YEAR 22-23 WOODBURY COUNTY PARKING PLAN

There are thirty parking spots located on county property attached to the courthouse, the Law Enforcement Center and the building services building (Old Eagles Club).

There are two parking spots located within the courthouse footprint. One is designated for the use of the Budget/Tax Analyst position. The balance of this area is a designated loading zone that is used for transferring prisoners for the court system and courthouse deliveries.

The Law Enforcement Center has a parking lot on the north side of the building. There are twenty-one parking spots in this lot.

On the north side of this lot are twelve spots, these all are signed Official County Parking. Starting from the west, the first two of these are currently unavailable due to an odor abatement project. The next five are designated as Judicial Branch Parking. The five remaining spots to the east of those are designated for the Sheriff’s Office. Located on the south side of the lot, starting from west, are nine spots, the first three are parallel to the building and are designated for the use of associate district court judges. The next six are designated for use by the Sheriff’s Office.

The building services building (Old Eagles Club), has parking for seven vehicles immediately to the east of the building. Starting from the south, the first three are designated and signed for three county owned building services vehicles. Immediately to the north of those is a spot designated for use by a Sheriff Office transport vehicle. The next spot to the north is designated for the use of the County Treasurer. To the north of that is a spot designated for use by the juvenile detention center director and the last is designated as a loading zone controlled by building services.

The Sheriff’s Office will obtain placards from the City of Sioux City for the Supervisors use at meters located near the courthouse.

The county will lease additional spots in the Williges Parking facility for district court judges, elected officials and county owned vehicles and equipment. These spots are approved by the Board of Supervisors during the annual county budget process.

All complaints about unauthorized use of these designated parking places will be directed to the Building Services Department for resolution and if vehicles are to be towed, the Sheriff’s Office will be contacted for assistance.

Adopted 3/29/2022

Chairperson _____ Attestation _____

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/3/22

Weekly Agenda Date: 3/8/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Chairman, Keith Radig

WORDING FOR AGENDA ITEM:

Consideration of An Ordinance Relating to the Assessment of Wind Energy Conversion Property as Authorized by Iowa Code Chapter 427B.26

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board will consider passing and approving an ordinance to provide the special valuation of wind energy conversion property as provided by Iowa Code Section 427B.26.

The county has met the statutory requirements to approve an 427B.26 ordinance.

12/7/21, Public Hearing/1st Reading
12/14/21, Public Hearing/2nd Reading
12/21/21, Public Hearing/3rd Reading
01/11/22, Consideration of Approval

Pursuant to Iowa Code Section 427B.26, a special valuation of wind energy conversion property is allowed if a county adopts an ordinance. Wind energy conversion property first assessed on or after the effective date of the proposed ordinance shall be valued by the County Assessor for property tax purposes as follows:

- a. For the first assessment year, at zero (0%) of the net acquisition cost.
- b. For the second through sixth assessment years, at the percent of the net acquisition cost which rate increases by five (5%) each assessment year.
- c. For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

BACKGROUND:

The County has met the requirements to approve an 427B.26 ordinance. During the public hearing process, the County realized there was some "grey area" in the current code as it relates to cities/counties that have not adopted an 427B.26 ordinance and there are commercial wind development structures in those respective jurisdictions. This was affirmed by various staff from the Iowa Dept. of Revenue (IDR). As such, there was consensus from the Board during their 1/11/22 meeting to have Assistant County Attorney Widman and Community & Economic Development Director Gleiser, consult with outside bond counsel on this matter before taking up the ordinance for a final vote. During the preliminary discussions with bond counsel, they acknowledged Assistant County Attorney Widman's analysis of the "grey area" and stated they would contact IDR staff for some insight on what the Utility Replacement Tax Task Force might do as it relates to this topic and the current legislative session. Shortly thereafter, County Assessor Connelly informed Widman & Gleiser that the Task Force had drafted language to clarify the "grey area" of the Code, and to make it abundantly clear that if a city or county has not adopted an 427B.26 ordinance and a commercial wind development occurs, those structures are to be state assessed and subject to utility replacement tax, thus eliminating any possibility of a City or County Assessor having the authority to assess these structures locally at 100% valuation. Shortly after that, bond counsel informed Widman & Gleiser that the Task Force had submitted Senate Study Bill 3130 (SSB3130) to the Iowa legislature in an attempt to make the Task Force's recommendation law.

The Bill is being managed on the Floor by Senator Waylon Brown (R) District 26. As of 3/3/22, the Bill's history is as follows:

02/23/2022 Committee report approving bill, renumbered as SF 2366.
02/22/2022 Subcommittee recommends amendment and passage.
02/17/2022 Subcommittee Meeting: 02/22/2022 8:30AM Room G17.
02/09/2022 Subcommittee: Brown, Dawson, and Dotzler.
02/09/2022 Introduced, referred to Ways and Means.

While bond counsel did not provide Widman & Gleiser with a written opinion on what they believe is likely to happen if Woodbury County does not adopt a 427B.26 ordinance and a commercial wind development occurs and the County Assessor assess that property locally at 100%, they did state that SSB3130 would resolve the ambiguities of the "grey area" should it be adopted.

FINANCIAL IMPACT:

The financial impact of adopting the 427B.26 ordinance is the amount of property taxes the county would collect as provided by law, which is unequivocally greater than the amount of taxes the county would receive from the state in the form of utility replacement tax for the same structures.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Adopt the 427B.26 ordinance.

ACTION REQUIRED / PROPOSED MOTION:

Motion to adopt the 427.26 ordinance.

427B.26 Ordinance

Year	%	Total Taxable	After Rollback	Tax Rate - Woodbury Central Menville	Total
1	0%	\$150,000,000	\$ 135,000,000	25.036659	\$ -
2	5%	\$150,000,000	\$ 6,750,000	25.036659	\$ 171,224
3	10%	\$150,000,000	\$ 13,500,000	25.036659	\$ 342,449
4	15%	\$150,000,000	\$ 20,250,000	25.036659	\$ 513,673
5	20%	\$150,000,000	\$ 27,000,000	25.036659	\$ 684,898
6	25%	\$150,000,000	\$ 33,750,000	25.036659	\$ 856,122
7	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
8	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
9	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
10	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
11	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
12	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
13	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
14	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
15	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
16	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
17	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
18	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
19	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
20	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
21	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
22	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
23	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
24	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
25	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
26	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
27	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
28	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
29	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
30	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
31	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
32	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
33	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
34	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
35	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
36	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
37	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
38	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
39	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
40	30%	\$150,000,000	\$ 40,500,000	25.036659	\$ 1,027,347
					\$ 37,498,164

Utility Replacement Tax

Year	Total	
1	\$ 210,240	
2	\$ 210,240	
3	\$ 210,240	
4	\$ 210,240	
5	\$ 210,240	
6	\$ 210,240	
7	\$ 210,240	
8	\$ 210,240	
9	\$ 210,240	
10	\$ 210,240	
11	\$ 210,240	
12	\$ 210,240	
13	\$ 210,240	
14	\$ 210,240	
15	\$ 210,240	
16	\$ 210,240	
17	\$ 210,240	
18	\$ 210,240	
19	\$ 210,240	
20	\$ 210,240	
21	\$ 210,240	
22	\$ 210,240	
23	\$ 210,240	
24	\$ 210,240	
25	\$ 210,240	
26	\$ 210,240	
27	\$ 210,240	
28	\$ 210,240	
29	\$ 210,240	
30	\$ 210,240	
31	\$ 210,240	
32	\$ 210,240	
33	\$ 210,240	
34	\$ 210,240	
35	\$ 210,240	
36	\$ 210,240	
37	\$ 210,240	
38	\$ 210,240	
39	\$ 210,240	
40	\$ 210,240	
		\$ 8,409,600

100MW x 1000 = 100,000 kW

100,000 kW x .40 (estimated 40% capacity factor) x 365 days x 24 hours = 350,400,000 kWh estimated annual generation

350,400,000 kWh x .0006 (replacement tax rate) = \$ 210,240

\$ 29,088,564

Senate Study Bill 3130 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON DAWSON)

A BILL FOR

1 An Act relating to the assessment and taxation of wind energy
2 conversion property and including effective date and
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 427B.26, subsection 1, paragraph b, Code
2 2022, is amended to read as follows:

3 b. If in the opinion of the city council or the county
4 board of supervisors continuation of the special valuation
5 provided under [this section](#) ceases to be of benefit to the
6 city or county, the city council or the county board of
7 supervisors may repeal the ordinance authorized by this
8 subsection. Property specially valued under [this section](#) prior
9 to repeal of the ordinance shall continue to be valued under
10 this section until the end of the nineteenth assessment year
11 following the assessment year in which the property was first
12 assessed. Following repeal of the ordinance and conclusion of
13 the applicable nineteen-year period, the wind energy conversion
14 property shall be subject to assessment and taxation under
15 chapter 437A, section 441.21, subsection 8, paragraphs "b", "c",
16 and "d", or sections 428.24 through 428.26, 428.28, and 428.29,
17 as applicable.

18 Sec. 2. Section 427B.26, subsection 2, unnumbered paragraph
19 1, Code 2022, is amended to read as follows:

20 In lieu of the valuation and assessment provisions in
21 chapter 437A, section 441.21, subsection 8, paragraphs "b", "c",
22 and "d", and sections 428.24 through 428.26, 428.28, and 428.29,
23 as applicable, wind energy conversion property which is first
24 assessed for property taxation on or after January 1, 1994,
25 and on or after the effective date of the ordinance enacted
26 pursuant to [subsection 1](#), shall be valued by the local assessor
27 for property tax purposes as follows:

28 Sec. 3. Section 427B.26, subsections 3 and 4, Code 2022, are
29 amended to read as follows:

30 3. a. The taxpayer shall file with the local assessor by
31 February 1 of the assessment year in which the wind energy
32 conversion property is first assessed for property tax
33 purposes, a declaration of intent to have the property assessed
34 at the value determined under [this section](#) in lieu of the
35 valuation and assessment provisions in chapter 437A, section

1 441.21, subsection 8, paragraphs "b", "c", and "d", and sections
2 428.24 through 428.26, 428.28, and 428.29, as applicable.

3 b. Maintaining, refurbishing, or repowering wind energy
4 conversion property shall not cause the wind energy conversion
5 property to receive a new assessment schedule under subsection
6 2.

7 4. For purposes of this section:

8 a. "Collector substation" means an electrical substation
9 designed to collect energy from multiple electricity-generating
10 sources.

11 ~~a.~~ b. "Net acquisition cost" means the acquired cost of the
12 property including all foundations and installation cost less
13 any excess cost adjustment.

14 c. "Repowering" means the removal and replacement of
15 components of wind energy conversion property.

16 ~~b.~~ d. "Wind energy conversion property" means the entire
17 wind plant including, but not limited to, a wind charger,
18 windmill, wind turbine, tower and electrical equipment, pad
19 mount transformers, power lines, and collector substation.

20 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
21 importance, takes effect upon enactment.

22 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
23 retroactively to assessment years beginning on or after January
24 1, 2022.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Code section 427B.26 governs the special valuation of
29 wind energy conversion property for such property covered by
30 an ordinance adopted by a city council or county board of
31 supervisors.

32 This bill specifies that the special valuation provisions
33 authorized by local ordinance, in addition to other provisions
34 identified in Code section 427B.26, are in lieu of the
35 assessment and taxation provisions of Code chapter 437A

1 (electricity replacement tax).

2 If such ordinance is repealed, property specially valued
3 under Code section 427B.26 shall continue to be valued under
4 that Code section until the end of the 19th assessment year
5 following the assessment year in which the property was first
6 assessed. The bill specifies the other provisions of law that
7 govern the assessment and taxation of such property after
8 conclusion of the applicable 19-year period.

9 The bill also provides that maintaining, refurbishing, or
10 repowering wind energy conversion property shall not cause
11 the wind energy conversion property to receive a new special
12 valuation schedule under Code section 427B.26. The bill
13 defines "repowering" and modifies the definition of "wind
14 energy conversion property" to specify that substations that
15 are "collector substations", as defined in the bill, are wind
16 energy conversion property.

17 The bill takes effect upon enactment and applies
18 retroactively to assessment years beginning on or after January
19 1, 2022.

WOODBURY COUNTY, IOWA
ORDINANCE NO. _____

**AN ORDINANCE RELATING TO THE ASSESSMENT OF WIND ENERGY
CONVERSION PROPERTY AS AUTHORIZED BY IOWA CODE CHAPTER 427B.26**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Section 427B.26.

SECTION 2. DEFINITIONS

For use in this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A.) "Net Acquisition Cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.
- B.) "Wind Energy Conversion Property" means the entire windplant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines and substation.

SECTION 3. AUTHORITY TO ESTABLISH

The Board of Supervisors is authorized, pursuant to Iowa Code Section 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

SECTION 4. ESTABLISHMENT

Pursuant to Iowa Code Section 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Section 441.21(8)(b) and (c), and Iowa Code Sections 428.24 to 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after the effective date of this Ordinance.

SECTION 5. AMOUNT OF VALUATION

Wind energy conversion property first assessed on or after the effective date of the Ordinance shall be valued by the County Assessor for property tax purposes as follows:

- A.) For the first assessment year, at zero percent (0%) of the net acquisition cost.
- B.) For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
- C.) For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

SECTION 6. DECLARATION OF SPECIAL VALUATION

The taxpayer shall file with the County Assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 5 in lieu of the valuation assessment provisions in Iowa Code Section 441.21(9)(b) and (c), and Iowa Code Sections 428.24 to 428.29.

If the taxpayer does not file with the County Assessor by February 1 of the assessment year for which the person files a declaration of intent to have the property assessed as provided above, then the declaration of intent shall be considered as a declaration filed for the following year.

SECTION 7. REPORTING REQUIREMENTS

The following reports shall be filed annually with the County Assessor by the taxpayer; in the first year, with the declaration of intent as prescribed in Section 6; and by Feb. 1 of each year thereafter.

- A.) Copy of Asset ledger sheet to IRS;
- B.) Engineering breakdown of component parts;
- C.) Tower numbering system;
- D.) Name of contact person, phone number, fax number and mailing address;
- E.) Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

SECTION 8. REPEAL OF SPECIAL VALUATION

If in the opinion of the Board of Supervisors, continuation of the special valuation provided under Sections 4 and 5 ceases to be of benefit to the County, the Board of Supervisors may repeal the Ordinance. Property specially valued in accordance with the above prior to the repeal of this Ordinance shall continue to be so valued until the end of the nineteenth (19th) assessment year following the assessment year in which the property was first assessed.

SECTION 9. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 10. SEVERABILITY CLAUSE

If any section, provision, or other part of this Ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

SECTION 11. PENALTY

Any person, firm or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than One Hundred Dollars (\$100) or by imprisonment of not more than thirty (30) days and shall be guilty of a county infraction punishable by a civil penalty of not more than One Hundred Dollars (\$100), or if the infraction is a repeat offense, by a civil penalty not to exceed Two Hundred Dollars (\$200). Each day that a violation occurs or is permitted by the Defendant to exist, constitutes a separate offense.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective after final passage, approval, and publication as provided by law.

Passed and Approved this 3rd day of March, 2022.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick Gill, Woodbury County Auditor

Keith Radig, Chairman

First Reading: 12/7/21

Jeremy Taylor, Vice-Chairman

Second Reading: 12/14/21

Rocky DeWitt, Member

Third Reading: 12/21/21

Matthew Ung, Member

Approved: _____

Published: _____

Justin Wright, Member

Effective: _____