



WOODBURY COUNTY ZONING COMMISSION

Monday, November 25, 2024 at 5:00 PM

The Zoning Commission will hold a public meeting on **Monday, November 25, 2024 at 5:00 PM** in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting and public hearings on the agenda may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 638 086 537#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
4	APPROVAL OF MINUTES FROM PREVIOUS MEETINGS August 26, 2024 & September 23, 2024
5	ITEM(S) OF BUSINESS
»	PUBLIC HEARING (ACTION ITEM) - PROPOSED OAKRIDGE ADDITION MINOR SUBDIVISION (Parcel #864407400003): To be known as Oakridge Addition, A Minor Subdivision to Woodbury County, Iowa, a two-lot minor subdivision in a 10.26-acre portion of T86N R44W (Little Sioux Township) in Section 7 in the NE ¼ of the SE ¼ on Parcel #864407400003. The property is approximately 4.2 miles northwest of the City of Smithland. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Oakridge Livestock Company, Inc., 2963 Jasper Ave., Hornick, IA, 51026 (Property Address); 36675 140th St., Mapleton, IA 51034 (Mailing Address).
»	PUBLIC HEARING (ACTION ITEM) - PROPOSED JW COLLINS HOMESTEAD MINOR SUBDIVISION (Parcel #894428100005): To be known as JW Collins Homestead, A Minor Subdivision to Woodbury County, Iowa, a one-lot minor subdivision in a 2.20-acre portion of T89N R44W (Arlington Township) in Section 28 in the NE ¼ of the NW ¼ on Parcel #894428100005. The property is approximately one-half mile northeast of the City of Merville. The property is located in the Agricultural Preservation (AP) Zoning District. Portions of the property are in the Zone A and Zone X 0.2 percent Special Flood Hazard Area (SFHA – floodplain). Owner/Applicant: Steffe Harlan & Frances Trust, 952 Buxton Cir., Magnolia, DE 19962.
»	PUBLIC HEARING (ACTION ITEM) – PROPOSED ZONING ORDINANCE TEXT AMENDMENT (DIMENSIONAL SIZE FOR SINGLE-FAMILY DWELLINGS): Consideration of potential changes or amendments to Section 4.11: Single-Family Detached Dwellings in the Woodbury County Zoning Ordinance. The purpose of the hearing is to collect information in a review of the dimension size for single-family dwellings not limited to the regulations in Section 4.11.
»	INFORMATION ITEM: DISCUSSION AND PLANNING PROCESS FOR NUCLEAR ENERGY TO BE CONSIDERED FOR ADDITION TO WOODBURY COUNTY ZONING ORDINANCE. SUMMARY: The Woodbury County Board of Supervisors at their meeting on July 2, 2024 voted to direct the Zoning Commission to begin the process of exploring nuclear energy as a potential energy option in Woodbury County. This information item is for a discussion on how to proceed with future work sessions and public hearings.

»	INFORMATION ITEM: DISCUSSION AND PLANNING PROCESS FOR A RECOMMENDATION CONTEMPLATING DECOMMISSIONING REQUIREMENTS AS PART OF A NEW ORDINANCE REGARDING CARBON PIPELINES. SUMMARY: The Woodbury County Board of Supervisors at their meeting on August 27, 2024 voted to direct the Planning and Zoning Director to work with Planning and Zoning, the Board of Adjustment, and Legal Counsel in order to make a recommendation contemplating decommissioning requirements as part of a new ordinance regarding carbon pipelines.
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
7	STAFF UPDATE
8	COMMISSIONER COMMENT OR INQUIRY
9	ADJOURN

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Minutes - Woodbury County Zoning Commission – August 26, 2024

The Zoning Commission (ZC) meeting was called to order on August 26, 2024, at 5:00 PM in the Board of Supervisors' meeting room, located in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. The meeting was also available via teleconference.

Meeting Audio:

For a detailed account of this meeting, refer to the recorded video on the Woodbury County Zoning Commission's "Committee Page" on the Woodbury County website:

- County Website: https://www.woodburycountyiowa.gov/committees/zoning_commission/
- YouTube Direct Link: <https://www.youtube.com/watch?v=gqkPBerPnWE>

Members Present: Barb Parker, Corey Meister, Chris Zant

Staff Present: Dan Priestley, Dawn Norton

Public Attendees: Michael Montino, Dan Bittinger

CALL TO ORDER:

Chair Chris Zant called the meeting to order at 5:02 PM. Tom Bride and Jeff Hanson were absent.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

None

APPROVAL OF MINUTES:

Motion by Meister to approve the July 22 minutes. Seconded by Parker. Approved 3-0.

DISCUSSION AND PLANNING PROCESS FOR NUCLEAR ENERGY TO BE CONSIDERED FOR ADDITION TO WOODBURY COUNTY ZONING ORDINANCE (INFORMATION /

DISCUSSION ITEM) SUMMARY: The Woodbury County Board of Supervisors, at their July 2, 2024 meeting, directed the Zoning Commission to explore the possibility of nuclear energy in the county. This discussion focused on the next steps for work sessions and public hearings. Dan Priestley outlined that establishing a nuclear power plant is a highly regulated process, with extensive site studies required to determine suitability. Michael Montino from Woodbury County Emergency Management, who studied nuclear energy at Georgetown University, shared his knowledge of nuclear power plants. He explained that these plants generally operate using pressurized boiling water to generate steam, and proximity to a water source is crucial to maintain cooling levels and prevent core meltdowns. Montino discussed the importance of considering factors such as drought, flooding, and earthquakes when selecting a site. An Emergency Planning Zone extending 50 miles around the plant would be necessary, affecting neighboring counties. Although nuclear energy could take up to 30 years to fully implement, it is essential to plan for future energy needs as older coal plants are retired. Repurposing these sites for nuclear power could reduce the need for eminent domain. Priestley emphasized that this is an exploratory phase, and the county has not yet received significant public feedback. He suggested that establishing a conditional use permit could demonstrate the county's openness to nuclear energy development. Future work sessions, public hearings could be scheduled to explore the issue further.

INFORMATION AND DISCUSSION ITEM ABOUT THE BOARD OF SUPERVISORS' CONSIDERATION OF CHANGES TO THE COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (C-WECS) (INFORMATION / DISCUSSION ITEM) SUMMARY:

Following a petition from the public at the 2024 Woodbury County Fair, the Board of Supervisors, on August 6, 2024, directed staff to review and potentially revise Ordinance #56, which governs commercial wind energy systems. This discussion provided information on the upcoming review process. Dan Priestley reported that the County Attorney's Office is currently reviewing revisions to the ordinance, particularly concerning setbacks between participating and non-participating properties, decommissioning requirements, and setback waivers. These revisions aim to address safety concerns, such as lighting and fire risks. Public hearings will be held to gather input from the community.

HOME OCCUPATION SIGNS ZONING REGULATIONS REVIEW (INFORMATION / DISCUSSION ITEM) SUMMARY: The Zoning Commission reviewed home occupation sign regulations to determine if any changes are needed. Research shows that Woodbury County's policies are consistent with those of other Iowa counties, with a few counties allowing slightly larger signs.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

None

STAFF UPDATE

At the August 27 Board of Supervisors meeting, the Supervisors are expected to direct the Planning & Zoning Director to collaborate with the Board of Adjustment, Zoning Commission, and legal counsel to recommend decommissioning requirements as part of a new ordinance regarding carbon pipelines. Additionally, the Board of Adjustment has deferred its decision on a conditional use application for a data center/bitcoin mining facility for 35 days. The applicant is expected to provide additional information at the rescheduled September 4 meeting.

COMMISSIONER COMMENT OR INQUIRY

None

Motion to Adjourn:

Motion by Meister to adjourn. Seconded by Parker. Motion carried 3-0. The meeting adjourned at 5:53 PM.

Minutes - Woodbury County Zoning Commission – September 23, 2024

The Zoning Commission (ZC) meeting was held on September 23, 2024 at 5:00 PM in the Board of Supervisors' meeting room, located in the basement of the Woodbury County Courthouse at 620 Douglas Street, Sioux City, IA. The meeting was also accessible via teleconference.

Meeting Audio:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission "Committee Page" on the Woodbury County website:

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/zoning_commission/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=1mQWufHt3x0>

ZC Members Present:

Corey Meister, Chris Zellmer Zant, Tom Bride, Jeff Hanson

County Staff Present:

Dan Priestley, Dawn Norton

Public Present:

Dan Bittinger, Andy Bobrytzke, Joel Vos, Elbert Baker, Kathy Tabke, Brad Tabke, Jimmie Colyer

CALL TO ORDER:

Chair Chris Zant called the meeting to order at 5:00 p.m. Barb Parker was absent.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

Priestley presented material about grain bins received from MidAmerican Energy. Bride made a motion to accept the material into the record, which Hanson seconded. The motion passed 4-0. See appendix.

APPROVAL OF MINUTES:

Bride and Hanson were absent at the previous meeting and abstained from the vote. Bride moved to defer the approval of the August 26, 2024 minutes, with Meister seconding. The motion passed 4-0.

PUBLIC HEARING (ACTION ITEM): ZONING MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO AGRICULTURAL ESTATES (AE) ZONING DISTRICT (PARCEL #884726200002):

Priestley read the staff report into the record. The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) submitted an application to rezone a 1.14-acre portion of property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. This portion will be combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the land to be conveyed to the Sandra K. Baker Revocable Trust. This triangular 1.14-acre portion is not eligible for development as a standalone lot, as it does not meet the requirements of the Zoning and Subdivision Ordinance. In the purchase agreement, Baker acknowledges that the property being acquired is "not a legal lot for building purposes" and must be combined with the adjacent parcel, Lot One (1) of Baker's Acres. The rezoning is requested to match the zoning of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal was properly noticed in the Sioux City Journal Legals Section on September 12, 2024. Neighbors within 1000 feet were notified via a September 9 letter about the public hearing on September 23, 2024, and stakeholders including government agencies, utilities, and organizations have been requested to comment. No objections were received. Staff recommends approval as the proposal meets the criteria for approval. Bride moved to close the public hearing, seconded by Hanson. The motion carried 4-0. Hanson then moved to approve the zoning ordinance map amendment from AP to AE, with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Supervisors.

PUBLIC HEARING (ACTION ITEM): CONSIDERATION OF NUCLEAR ENERGY FACILITIES IN THE WOODBURY COUNTY ZONING ORDINANCE:

At the request of the Board of Supervisors, the Commission held a public hearing to discuss the potential incorporation of nuclear energy facilities into the zoning ordinance. No public comments were offered. This follows the Board's directive on July 2, 2024, to explore nuclear energy as a county option. No formal proposals have been submitted by companies, and few public comments have been received up to this point. Bride suggested seeking input from MidAmerican Energy regarding future power sources, and a town hall meeting after the harvest season was proposed to discuss nuclear energy with residents. Bride moved to revisit this topic next month, seconded by Hanson. The motion was approved 4-0.

REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF THREE 100-FOOT WIND TURBINES (PARCEL #884420300005):

Priestley read the staff report into the record. L & K Tabke Holdings, LLC (Kathy Tabke) submitted a conditional use permit application to install three 100-foot wind turbines to reduce electrical costs on the farm. The proposed locations are approximately 5.2 miles southeast of Merville, on the south side of 195th Street and east of Jasper Avenue. The property is located in the Agricultural Preservation (AP) Zoning District, where "Electric wind generator (Private use)" is classified as a conditional use eligible for review by the Zoning Commission and consideration by the Board of Adjustment. This proposal was properly noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within 500 feet were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Stakeholders have been requested to comment. Based on the information received and the requirements of the Zoning Ordinance, the proposal meets the criteria for approval. Bride emphasized that the turbines are for private use. Priestley discussed setback concerns from other structures on the premises per the zoning ordinance. The property owner assumes all risks for any malfunctions or tower collapses. Meister moved to close the public hearing, seconded by Bride. The motion carried 4-0. Based on the information provided and zoning criteria, Meister moved to recommend approval of the conditional use permit, seconded by Hanson. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF 250-FOOT WIRELESS COMMUNICATIONS TOWER (PARCEL #874720400004):

Priestley read the staff report into the record. Andrew Bobrytzke, on behalf of American Towers LLC and the Bradley J. Kobold Trust, has filed a conditional use permit application to construct a 250-foot self-support wireless communications tower to replace an existing tower on Parcel #874720400004. The proposed location is about half a mile west of Salix, on the north side of 260th Street and west of Barker Avenue. The parcel is located in the General Industrial (GI) Zoning District, where "telecommunication towers" are classified as conditional uses eligible for review by the Zoning Commission and for consideration by the Board of Adjustment. This proposal was noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within one mile were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Appropriate stakeholders have been requested to comment. Based on the information received and zoning requirements, the proposal meets the criteria for approval. Staff recommends approval. Hanson moved to close the public hearing, seconded by Bride. Bride then moved to recommend approval of the tower construction and use on the specified parcel, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

INFORMATION ITEM: CONSIDERATION OF DECOMMISSIONING REQUIREMENTS FOR CARBON PIPELINES:

Priestley provided an update on the Board of Supervisors' August 27, 2024, decision to direct county staff to explore decommissioning requirements for carbon pipelines as part of a new ordinance. While federal regulations govern pipeline decommissioning, staff are reviewing local regulations from other counties and states. The Zoning Commission and Board of Adjustment will be involved in researching and offering recommendations. Bride noted that pipeline easements remain in place even if a pipeline is no longer in use.

STAFF UPDATE:

Priestley updated the Commission on the proposed amendments to Ordinance 56, which regulates Commercial Wind Energy Conversion Systems. He discussed the three-step public hearing process and referenced safety information obtained from safety data sheets for a Nordex system submitted to the Ohio Public Utilities Commission.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

None.

COMMISSIONER COMMENT OR INQUIRY:
None.

ADJOURNMENT:
Meister moved to adjourn the meeting, seconded by Hanson. The meeting adjourned at 6:02 p.m.

APPENDIX:

Received from MidAmerican Energy (September 13, 2024)



September 13, 2024

WOODBURY COUNTY
PLANNING AND ZONING COMMISSION
820 DOUGLAS ST
SIOUX CITY IA 51101

Dear WOODBURY COUNTY:

MidAmerican Energy is committed to the safety of our customers and contractors working within our service territory. The enclosed brochure provides facts and useful information to consider when issuing permits or long-range planning involving grain storage, grain bin modification. This information is drawn from the Iowa Administrative Code, American National Standards Institute, and the National Electric Safety Code. If you or the residents of your city have additional questions, please contact us at 888-427-5632. More information about farming and working safely around electricity and natural gas lines is available online at MidAmericanEnergy.com/farm-safety.

Sincerely,

Shane Emmert
General Manager, Electric Distribution Engineering
MidAmerican Energy

Attachment

MidAmerican Energy Company
P.O. Box 857
Des Moines, IA 50306-0857

YOUR SAFETY MATTERS GRAIN BIN CLEARANCE

MidAmerican Energy is committed to providing important information to help ensure your safety when working near electrical facilities. Each year, we notify farmers, farm owners, grain bin merchants, and city and county zoning officials of the hazards and standards for construction of grain bins near overhead power lines.

The Iowa Administrative Code (IAC) Section 199-26.2(2)(b) requires that specific minimum safety clearances be maintained between grain bins and electrical lines in accordance with American National Standards Institute (ANSI) C2-2017 National Electrical Safety Code, Rule 254F. These diagrams show the minimum clearance envelopes from electrical lines, to vital that you are aware of these clearance requirements, because our strict or operating a grain bin in violation of these standards creates a hazardous condition that may also be a risk of injury, shock or electrocution.

If you or your customer are planning to build or modify a grain bin, please contact us at 888-427-5632 to discuss the specific location and to determine if MidAmerican can assist in any possible conflicts with nearby electrical facilities. Your assistance and attention are appreciated and will help ensure that grain bins are properly positioned and safe to operate. For more information about farming safely around electricity and natural gas lines, visit MidAmericanEnergy.com/farm-safety.

Sincerely,


Shane Emmert
General Manager, Electric Distribution Engineering
MidAmerican Energy Company



888-427-5632

MidAmericanEnergy.com





Woodbury

WOODBURY COUNTY
RURAL ELECTRIC COOPERATIVE

1495 Humbolt Ave.
P.O. Box 566
Menville, Iowa 51039
Telephone: (712) 873-3125
800-469-3125
Fax: (712) 873-5377

November 14, 2024

Woodbury County Zoning Board
6th Floor
Woodbury County Court House
620 Douglas Ave.
Sioux City, Iowa 51101

Dear Sir:

When dealing with agricultural zoning, please contact the local electric utility.

The electric Cooperative will provide assistance in planning for a safe environment for everyone working and living around grain bins. The State of Iowa requires specific clearances for electric lines around grain bins, with different standards for those filled by portable and permanent augers, conveyors and elevators.

The attachment to this letter shows a drawing of the specific clearances required for both scenarios. If you have questions concerning the drawings, please contact Woodbury County Rural Electric Cooperative (REC) or the Northwest Iowa Power Cooperative (NIPCO).

According to the Iowa Electric Safety Code found in Iowa Administrative Code Chapter 199 -- 25.2(3)b. *An electric utility may refuse to provide electric service to any grain bin built near an existing electric line which does not provide the clearances required by The American National Standards Institute (ANSI) C2-2007 "National Electric Safety Code", Rule 234F. This paragraph "b" shall apply only to grain bins loaded by portable augers, conveyors or elevators and built after September 9, 1992, or to grain bins loaded by permanently installed augers, conveyors or elevators built after December 24, 1997.* (As adopted by the Iowa Utilities Board)

Woodbury County REC and NIPCO are required by the Iowa Utilities Board to provide this annual notice to farmers, farm lenders, grain bin merchants, and city and county zoning officials. If you have any questions concerning clearance regulations, please call Woodbury County REC at (712)873-3125 or NIPCO at (712)546-4141.

Sincerely,

Jason Jasperson
Director of Member Services

Clearance envelope for grain bins filled by permanently installed augers, conveyors or elevators

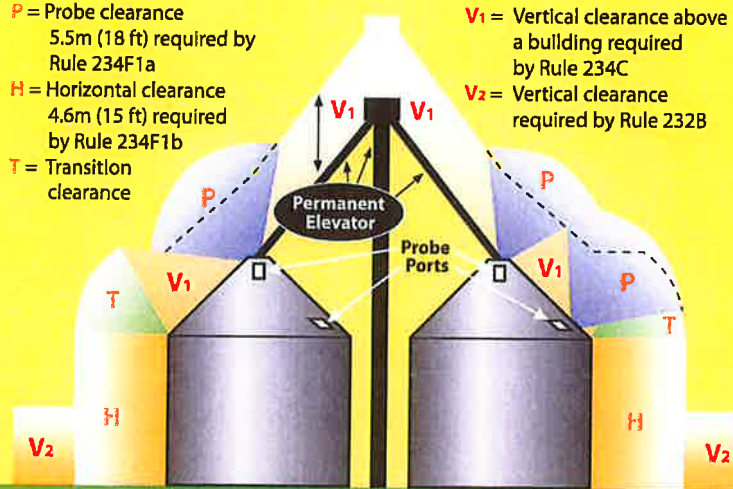
P = Probe clearance
5.5m (18 ft) required by Rule 234F1a

H = Horizontal clearance
4.6m (15 ft) required by Rule 234F1b

T = Transition clearance

V₁ = Vertical clearance above a building required by Rule 234C

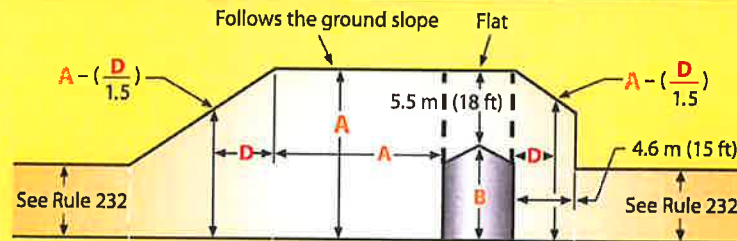
V₂ = Vertical clearance required by Rule 232B



From IEEE Std. C2-2017, "National Electrical Safety Code." © Copyright 2016 by IEEE. All rights reserved.

Clearance envelope for grain bins filled by portable augers, conveyors or elevators

ELEVATION



B = Height of highest filling or probing port on grain bin

A = $B + 5.5\text{m (18 ft)}$

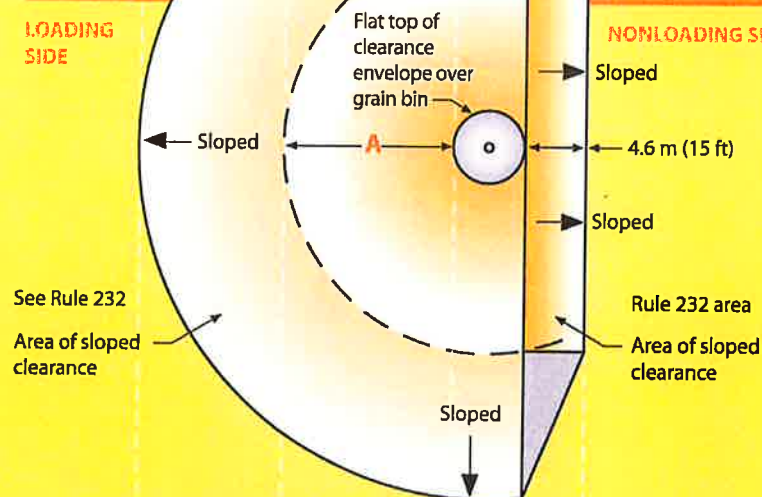
D = Variable horizontal dimension

In the area of sloped clearance, the vertical clearance is reduced by 300mm (1 ft) for each additional 450mm (1.5 ft) of horizontal distance from the grain bin.

PLAN VIEW

LOADING SIDE

NONLOADING SIDE



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WOODBURY COUNTY PLANNING & ZONING

620 Douglas Street, Sixth Floor, Sioux City, Iowa 51101
712.279.6609 – 712.279.6530 (Fax)

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

Dawn Norton – Senior Clerk
dnorton@woodburycountyiowa.gov

PRELIMINARY REPORT – NOVEMBER 20, 2024 OAKRIDGE ADDITION – MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS

Applicant(s)/Owner(s):	Oakridge Livestock Company, Inc.
Application Type:	Minor Subdivision
Name of Subdivision:	Oakridge Addition
Application Date:	November 1, 2024
Number of Lots:	2
Total Acres:	10.26
Extrajurisdictional Review:	None
Legal Notice Date:	November 14, 2024
Neighbor(s) Notice Date:	November 8, 2024
Stakeholder(s) Notice Date:	November 5, 2024
Zoning Commission Public Hearing Date:	November 25, 2024
Board of Supervisors Agenda Date:	TBD
Attorney:	Jay Phipps
Surveyor:	Gregg A. Stroschein

PROPERTY DETAILS

Parcel(s):	864407400003
Township/Range:	T86N R44W (Little Sioux)
Section:	7
Quarter:	NE 1/4 of the SE 1/4
Zoning District:	Agricultural Preservation (AP)
Floodplain:	Zone X (Not in Floodplain)
Property Address:	2963 Jasper Ave., Hornick, IA 51026

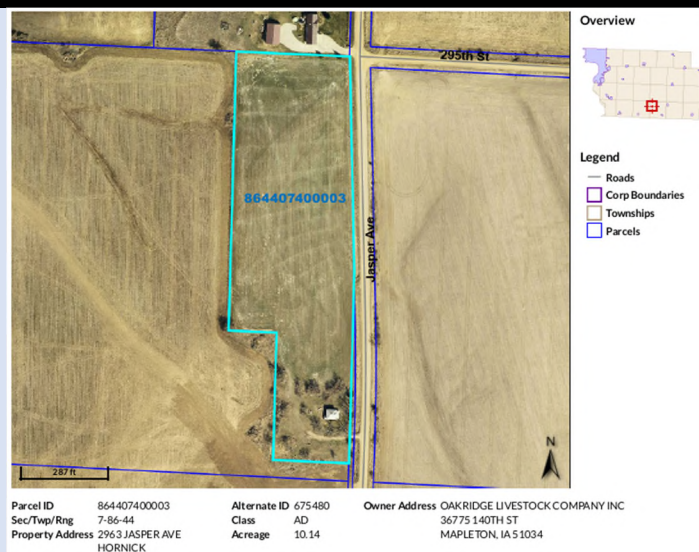
CONTENTS

Summary, Aerial Map, Plat Excerpt, Recommendation, & Suggested Motion	
Legal Notification	
Neighbor(s) Notification	
Stakeholder(s) Comments	
Review Criteria / Applicant Responses	
Application	
Supporting Documentation	

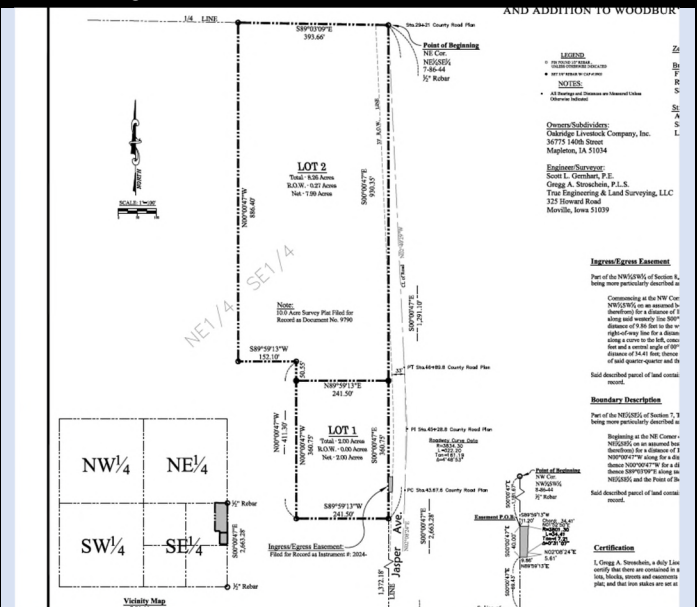
SUMMARY

The Oakridge Livestock Company, Inc. has filed for a two (2) lot minor subdivision on the property identified as Parcel #864407400003 referenced above. This subdivision is being completed to split the dwelling location from the farm ground. This minor subdivision proposal has been properly noticed in the Sioux City Journal Legals section on November 14, 2024. The neighbors within 1000 FT have been duly notified via a November 8, 2024 letter about the November 25, 2024 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain nor within two (2) miles of an incorporated jurisdiction, therefore not requiring extrajurisdictional review. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal can meet appropriate criteria for approval with the an easement granting the proposed Lot 1 access to Jasper Avenue.

AERIAL MAP



PLAT EXCERPT



STAFF RECOMMENDATION

Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal can meet the appropriate criteria for approval. Staff recommends approval with the condition that an easement be executed to enable permanent access to the proposed Lot 1 across Parcel #864408300001 to Jasper Avenue.

SUGGESTED MOTION

Motion to recommend approval to the Board of Supervisors with the condition that an easement be executed to enable permanent access to the proposed Lot 1 across Parcel #864408300001 to Jasper Avenue.

APPLICATION

WOODBURY COUNTY, IOWA MINOR SUBDIVISION APPLICATION

Applicant: Oakridge Livestock Company, Inc
Name of Owner

Mailing Address: 36675 140th St. Mapleton IA 51034
Street City or Town State and Zip + 4

Property Address: 2963 Jasper Ave Hornick IA 51026
Street City or Town State and Zip + 4

Ph/Cell #: (712) 420-3231 E-mail Address: scottgt@wiatel.net

To subdivide land located in the SE Quarter of Section 7

Civil Township 86N R44W GIS Parcel # 86407400003

Name of Subdivision: Oakridge Addition AP-Little Sioux

Subdivision Area in Acres 10.26 Number of Lots 2

Attachments:

1. Eight (8) copies of grading plans; if required.
2. Eight (8) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: Jay Phipps Gregg Stroschein Ph/Cell: 712-259-0483

Attorney: Jay Phipps Ph/Cell: 712-873-3210

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

Owner's Signature: [Signature] for JW Voigt

Zoning Director: [Signature]

For Office Use Only:

Zoning District AP Flood District X Date _____ No. _____

Application Fee _____
4 Lots or less (\$300*+ Additional Fees) \$300 CB#4305
5 Lots or more (\$300* plus \$5 per lot + Additional Fees) _____



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

FINAL PLAT OF Oakridge Addition

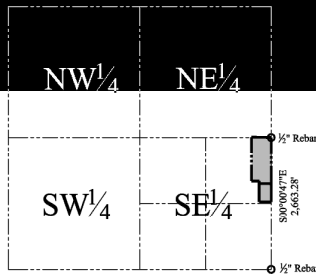
A MINOR SUBDIVISION
IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 7, T86N, R44W OF THE 5TH P.M.,
AND ADDITION TO WOODBURY COUNTY, IOWA

Surveyor: Gregg A. Stroschein, 712-229-0483
Mail To: 325 Howard Rd., Merville, IA 51039
County: Woodbury
Section: 7
Block: 44
Assess: 7-86-44
Project: Oakridge Addition
Proprietor: Oakridge Livestock Company, Inc.
Reviewed by: J.W. Vail



NE $\frac{1}{4}$ SE $\frac{1}{4}$

Note:
10.0 Acre Survey Plat Filed for
Record as Document No. 9790



Vicinity Map
7-86-44



LOT 2
Total - 8.26 Acres
R.O.W. - 0.27 Acres
Net - 7.99 Acres

LOT 1
Total - 2.00 Acres
R.O.W. - 0.00 Acres
Net - 2.00 Acres

Ingress/Egress Easement:
Filed for Record as Instrument # 2024

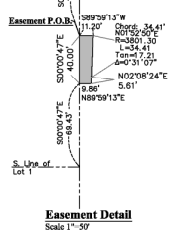
SE Cor.
7-86-44
 $\frac{1}{2}$ " Rebar

Sta. 29+21 County Road Plan
Point of Beginning
NE Cor.
NE $\frac{1}{4}$ SE $\frac{1}{4}$
7-86-44
 $\frac{1}{2}$ " Rebar

PT Sta. 45+28.8 County Road Plan
PT Sta. 43+87.8 County Road Plan

PC Sta. 43+87.8 County Road Plan
Right-of-Way, Curve, Route
R=2634.30
e=+0.29
Tan=61.19
Angle=53.9°

SE $\frac{1}{4}$ Cor.
7-86-44
 $\frac{1}{2}$ " Rebar



LEGEND
○ POINTS OF BEGINNING
○ OTHER POINTS INDICATED
● SET 5/8" REBAR IN CONCRETE
NOTES:
• All bearings and distances are measured unless otherwise indicated

Owners/Subdividers:
Oakridge Livestock Company, Inc.
36775 140th Street
Mapleton, IA 51034
Engineer/Surveyor:
Scott L. Gernhart, P.E.
Gregg A. Stroschein, P.L.S.
True Engineering & Land Surveying, LLC
325 Howard Road
Merville, Iowa 51039

Zoning: AP, Ag Preservation

Building Setback Lines:

Front: 100'
Rear: 50'
Side: 20'

Statistical Data:
Area of Subdivision = 10.26 Acres
Street Right-of-way = 0.27 Acres
Lots: 2

Ingress/Egress Easement

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T86N, R44W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

Commencing at the NW Corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence southerly along the westerly line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ on an assumed bearing of S00°00'47"E (with all subsequent bearings referenced therefrom) for a distance of 1,181.67 feet to the easement Point of Beginning; thence continuing along said westerly line S00°00'47"E for a distance of 40.00 feet; thence N89°59'13"E along for a distance of 9.86 feet to the westerly right-of-way line of Jasper Ave.; thence N02°08'24"E along said right-of-way line for a distance of 5.61 feet to the road right-of-way curve; thence northeasterly along a curve to the left, concave northeasterly, having a radius of 3,801.30 feet, curve length of 34.41 feet and a central angle of 00°51'07" along the chord of said curve on a bearing of N01°52'50"E for a distance of 34.41 feet; thence S89°59'13"E for a distance of 11.20 feet to a point on the westerly line of said quarter-quarter and the Point of Beginning.

Said described parcel of land contains 0.01 acres and is subject to all easements and right-of-ways of record.

Boundary Description

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T86N, R44W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

Beginning at the NE Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence southerly along the easterly line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ on an assumed bearing of S00°00'47"E (with all subsequent bearings referenced therefrom) for a distance of 1,291.10 feet; thence S89°59'13"E for a distance of 241.59 feet; thence N00°00'47"W along for a distance of 411.30 feet; thence S89°59'13"W for a distance of 152.10 feet; thence N00°00'47"W for a distance of 886.40 feet to a point on the northerly line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N00°00'47"E along the easterly line for a distance of 1,231.65 feet to the SE corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the Point of Beginning.

Said described parcel of land contains 10.26 acres and is subject to all easements and right-of-ways of record.

Certification

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

Gregg A. Stroschein PLS #10902
License renewal date: 12-31-25

Date _____
Pages covered by seal _____

**FINAL PLAT
OF
Oakridge Addition**

A MINOR SUBDIVISION
IN THE NE¼ SE¼ OF SECTION 7, T86N, R44W OF THE 5TH P.M.,
AND ADDITION TO WOODBURY COUNTY, IOWA

CONSENT OF OWNERS

Oakridge Livestock Company, Inc. is the Owners of the real estate described in the attached Surveyor's Certificate, has in the pursuance of the law, caused said described real estate to be surveyed, staked and platted into lots, subdivisions and streets, as is particularly shown and set forth in the attached Plat and said Certificate of Gregg Broschinski, a licensed Surveyor who surveyed and platted the real estate to be known as Oakridge Addition, in addition to Woodbury County, Iowa, and that the same is prepared with the free consent and in accordance with the desires as owners and proprietors thereof.

Jay W. Voigt, President _____ Date _____

STATE OF IOWA _____ COUNTY OF WOODBURY _____

On this _____ day of _____, 2024, before me, the undersigned, a notary public in and for said state, personally appeared Jay W. Voigt, to be personally known, who being by me duly sworn or affirmed did say that this person is the President of Oakridge Livestock Company, Inc. and that said President acknowledged the execution of said instrument to be the voluntary act and deed of Oakridge Livestock Company, Inc., by its voluntarily executed.

Notary Public: _____

RESOLUTION & CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY

I, Christine Zelmer-Zant do hereby certify that I am the Chairman of the Woodbury County Zoning Commission of Woodbury County, Iowa and do further certify that said commission has heretofore taken under advisement the Final Plat of Oakridge Addition, to Woodbury County, Iowa and that said Woodbury County Zoning Commission of Woodbury County, Iowa, did on the _____ Day of _____, 20____, approve the same and does further recommend to the Woodbury County Board of Supervisors, Woodbury County, Iowa, the acceptance and approval of said plat.

Dated this _____ Day of _____, 20____.

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

BOARD RESOLUTION NO. _____

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

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

Dated _____, 2024

ATTEST: _____ WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill, Woodbury County
Auditor and Recorder

Matthew Ung, Chairperson

STATE OF IOWA :
COUNTY OF WOODBURY : ss

I, Patrick F. Gill, Woodbury County Auditor and Recorder, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution accepting and approving the Final Plat of Oakridge Addition to Woodbury County, Iowa, which said Resolution was adopted by the Woodbury County Board of Supervisors on the _____ day of _____, 2024 and approved on said date all as full, true and complete as the same appears of record in the Office of said Auditor and Recorder.

Dated _____, 2024

Patrick F. Gill, Woodbury County
Auditor and Recorder

COUNTY ENGINEER'S CERTIFICATE

I, Mark J. Nahra, P.E., County Engineer for Woodbury County, Iowa, do hereby certify that the boundary lines of the plat and lots therein were mathematically checked and conform with the requirements as provided for in the Subdivision Ordinance and that all dimensions both linear and angular necessary for the location of lots, tracts, streets, and easements, are shown.

Dated _____, 2024

Mark Nahra, P.E., County Engineer for Woodbury County, Iowa

CERTIFICATE OF COUNTY ASSESSOR

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

Dated _____

Tyler Mogensen,
County Assessor

TITLE OPINION

_____, 2024

County Auditor and Recorder
Woodbury County, Iowa

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.1(1)(k) to property which includes in its entirety, property described in the surveyor's certificate on the plat of: Oakridge Addition, a Minor Subdivision in the NE¼ SE¼ of Section 7, T86N, R44W of the 5th P.M., an Addition to Woodbury County, Iowa last certified by Engstrom Abstract Co., Inc., dated _____, 2024 at 8:59 a.m. and from said abstract find good and merchantable title to said premises vested in Oakridge Livestock Company, Inc. subject to the following, liens, limitations and exceptions:

- Entry 24 shows a Right-of-Way Agreement in favor of Iowa Public Service Company which grants them the right to construct, operate, replace, repair, and maintain, or remove an electric transmission and distribution line or system. Said Easement was filed on April 3, 1968 on Book 1177, Page 403.
- Entry 28 discloses that the property is subject to the Zoning Regulations of the Woodbury County Board of Supervisors dated January 11, 1971, and recorded March 5, 1971, in Book 1263, Pages 9 to 78. The property is subject to these regulations, and your intended use of the property may be affected by such resolutions. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
- Entry 51 discloses Resolutions Number 6332 and 6333 of the Woodbury County Board of Supervisors which were recorded on May 12, 1977, on Roll 62, Image 2118 through 2121. These resolutions govern the use of certain lands within Woodbury County, Iowa, which may be within boundaries designated as Flood Hazard Areas.
- Entry 52 shows a Notice of Filing of Soil and Water Resource Conservation Plan file on July 29, 1992, on Roll 266, Image 2343. The Plan is available for inspection at the District Office of the Woodbury County Soil and Water Conservation District.
- Entry 53 shows Resolution No. 9460 filed on December 12, 2000 and recorded in Roll 475, Image 935 in the office of the Recorder of Woodbury County, Iowa.
- Entry 54 shows Resolution No. 10,455 adopted by the Woodbury County, Iowa, Board of Supervisors dated July 29, 2008, and recorded August 29, 2008, on Roll 699, Image 7213 which includes, among other things, new comprehensive zoning ordinances establishing zoning regulations for the unincorporated area of Woodbury County, Iowa. The property is subject to these regulations, and your intended use of the property may be affected by such resolutions. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
- Entry 55 shows Resolution No. 10,456 adopted by the Woodbury County, Iowa, Board of Supervisors dated July 29, 2008, and recorded August 29, 2008, on Roll 699, Image 7213 which prescribes the minimum requirements for the design and development of new subdivisions and the subdivision of land in the unincorporated area of Woodbury County, Iowa. All previous ordinances are repealed. If you intend to subdivide the property, you will need to comply with this resolution. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
- Entry 59 shows an Ordinance No. 61 filed on February 28, 2022 and recorded in Instrument #2022-02525 in the office of the Recorder of Woodbury County, Iowa.
- Entry 60 shows an Ordinance No. 74 filed on August 18, 2023 and recorded in Instrument #2023-07899 in the office of the Recorder of Woodbury County, Iowa.

- The County Road Right of Way and Electric Easements as shown on the Final Plat of Kerr Addition.
- An Easement between K & L Legacy Farms, L.L.C. (Grantor) and Summit Carbon Solutions, L.L.C. (Grantee), dated November 19, 2021, and filed January 3, 2022, in Document No. 2022-05073.
- 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 _____, 2024.

Jay P. Phlips
ATTORNEY AT LAW

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA :
COUNTY OF WOODBURY : ss

Docket No: _____

Filed for record, this _____ day of _____, 2023, at _____ o'clock _____ M., recorded in Plat Envelope _____, indexed and delivered to the County Auditor of Woodbury County, Iowa.

Dated _____, 2024

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

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

The County Auditor hereby accepts and approves the name or title of the attached Subdivision Plat as required by Iowa Code section 354.6(2).

Dated _____, 2024

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

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, Tina M. Bertrand, Treasurer of Woodbury County, Iowa, do hereby certify that the land described in the attached and foregoing Surveyor's Certificate is free from certified taxes and certified special assessments.

Dated _____, 2024

Tina M. Bertrand, Treasurer Woodbury County, Iowa

ANY ATTACHMENTS ASSOCIATED WITH THIS FINAL PLAT WILL ALSO BE RECORDED IN THE WOODBURY COUNTY RECORDER'S OFFICE SEPARATELY IN ASSOCIATION WITH THE RECORDING OF THE FINAL PLAT.

- EASEMENTS
- MORTGAGE CERTIFICATE, IF APPLICABLE
- ETC.

PLANNING AND ZONING 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, Planning and Zoning 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 recommends approval with the condition that an easement be executed to enable permanent access to the proposed Lot 1 across Parcel #864408300001 to Jasper Avenue.

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 recommends approval with the condition that an easement be executed to enable permanent access to the proposed Lot 1 across Parcel #864408300001 to Jasper Avenue.
	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

There is no incorporated area within two miles of this proposed minor subdivision.

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
 2802 Castles Gate Drive
 Sioux City 51106
 (712) 293-4250

State of Texas, County of Bexar, ss:

Jake Seaton, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
 Nov. 14, 2024

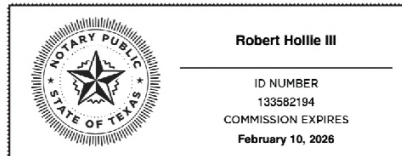
NOTICE ID: PMfukw7i5fkWwebwdgaf
PUBLISHER ID: COL-IA-501037
NOTICE NAME: ZC_11-25-24_Meeting
Publication Fee: \$66.86

Jake Seaton

(Signed) _____

VERIFICATION

State of Texas
 County of Bexar



Subscribed in my presence and sworn to before me on this: 11/15/2024

[Signature]

Notary Public
 Electronically signed and notarized online using the Proof platform.

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION
 The Woodbury County Zoning Commission will have a meeting and will hold public hearings on the following items hereafter described in detail on November 25, 2024 at 8:00 PM or as soon thereafter as the matters may be considered.
 Said public hearings will be held in the Board of Supervisors meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 638 086 5379 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Hestley at dhestley@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Nov. 22, 2024.

Item One (1):
NUCLEAR ENERGY FACILITIES ZONING ORDINANCE TEXT AMENDMENT CONSIDERATION
 The Woodbury County Zoning Commission will hold a public hearing to consider the addition of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy facilities. Possible options include to amend the Land Use Summary Table of Allowed Uses (Section 3.03.4) by adding Nuclear Energy Facilities as a permitted allowed use or a conditional use in all or select the county zoning districts. Amendments may also be discussed pertaining to the addition of new sections pertaining to nuclear energy facilities, definitions, the renumbering, and reorganization of content within the zoning ordinance.


Item Two (2):
MINOR SUBDIVISION
PROPOSED MINOR SUBDIVISION: To be known as Oakridge Addition, A Minor Subdivision to Woodbury County, Iowa, a two-ct minor subdivision in a 10.26-acre portion of T88N R44W (Little Sioux Township) in Section 7 in the NE 1/4 of the SE 1/4 on Parcel #66440740003. The property is approximately 4.2 miles northwest of the City of Smithland. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Cassiope Livestock Company, Inc. 2963 Jasper Ave., Homick, IA 51026 (Property Address); 36675 140th St., Mapleton, IA 51024 (Mailing Address).

Item Three (3):
MINOR SUBDIVISION
PROPOSED MINOR SUBDIVISION: To be known as JW Collins Homestead, A Minor Subdivision to Woodbury County, Iowa, a one-ct minor subdivision in a 2.26-acre portion of T88N R44W (Arlington Township) in Section 26 in the NE 1/4 of the NW 1/4 on Parcel #66440810005. The property is approximately one-half mile northeast of the City of Moulton. The property is located in the Agricultural Preservation (AP) Zoning District. Portions of the property are in the Zone A and Zone K O.2 present Special Flood Hazard Area (SFHA - floodplain). Owner/Applicant: Steffen Heston & Frances Trust, 952 Burton Cir., Magnolia, DE 19962.

Item Four (4):
ZONING ORDINANCE TEXT AMENDMENT CONSIDERATION
 The Woodbury County Zoning Commission will hold a public hearing to consider potential changes or amendments to Section 4.11: Single-Family Detached Dwellings in the Woodbury County Zoning Ordinance. The purpose of the hearing is to collect information in a review of the dimension size for single-family dwellings not limited to the regulations in Section 4.11.

COL-IA-501037

PROPERTY OWNER(S) NOTIFICATION

Total Property Owners within 1000 FT via Certified Abstractor's Listing:	5	
Notification Letter Date:	November, 8, 2024	
Public Hearing Board:	Zoning Commission	
Public Hearing Date:	November 25, 2024	
Phone Inquiries:	1	
Written Inquiries:	0	
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
Oakridge Livestock Company, Inc.	36775 140th St.	Mapleton	IA	51034	No comments
Ivener Farms, LLC	3701 Cheyene Blvd.	Sioux City	IA	51104	No comments
David E. Waller & Ginger R. Waller	2949 Jasper Ave.	Hornick	IA	51026	Inquiry about the project and asked if this is for a hog confinement? (11/13/24)
Carl McGrain and Nancy McGrain	13768 Plum Ave.	Mapleton	IA	51034	No comments
Patricia L. Johnson, Trustee of the Patricia L. Johnson Declaration of Trust dated May 7, 2013	8254 SW 86th Court Road	Ocala	FL	34481	No comments

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments
CITY OF ANTHON:	No comments
CONCORD TOWNSHIP:	No comments
FIBERCOMM:	No comments
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments
LOESS HILLS PROGRAM:	No comments
LONGLINES:	No comments
LUMEN:	No comments
MAGELLAN PIPELINE:	No comments
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed minor subdivision for MEC electric, and we have no conflicts. – Casey Meinen, 11/5/24.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments
NORTHERN NATURAL GAS:	No comments
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 11/12/24.
NUSTAR PIPELINE:	No comments
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments
WIATEL:	No comments
WINNEBAGO TRIBE:	No comments
WOODBURY COUNTY ASSESSOR:	No comments
WOODBURY COUNTY CONSERVATION:	No comments
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments
WOODBURY COUNTY EMERGENCY SERVICES:	No comments
WOODBURY COUNTY ENGINEER:	SEE MEMO BELOW
WOODBURY COUNTY RECORDER:	No comments. – Diane Swoboda Peterson, 11/5/24.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments
WOODBURY COUNTY SHERIFF:	No comments
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposal. – Neil Stockfleth, 11/6/24.
WOODBURY COUNTY TREASURER:	The 2023 taxes paid in full. – Tina Bertrand, 11/5/24.



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: November 14, 2024

Subject: Oakridge Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated November 5, 2024.

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. Existing driveways serve each lot. Both driveways meet sight distance requirements.
- An easement for access to lot 1 is being provided at the location of the existing driveway. I am not sure how the slender remainder of the parent parcel came about. While the easement for the lot 1 driveway does provide access to the lot, I would encourage the owner to try to acquire the property sliver to eliminate the need for this easement.
- 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

Jay P. Phipps P. O. Box 442 Merville, IA 51039 (712) 873-3210

EASEMENT

For the consideration of One and no/100 Dollar (\$1.00) and other valuable consideration, Ivener Farms, LLC, an Iowa Limited Liability Company, does hereby grant to Oakridge Livestock Company, Inc., an Iowa Corporation, their heirs, successors, and assigns, an Easement over the following described real estate, to-wit:

Commencing at the NW Corner of said NW1/4SW1/4; thence southerly along the westerly line of the NW1/4SW1/4 on an assumed bearing of S00°00'47"E (with all subsequent bearings referenced therefrom) for a distance of 1,181.67 feet to the easement Point of Beginning; thence continuing along said westerly line S00°00'47"E for a distance of 40.00 feet; thence N89°59'13"E along for a distance of 9.86 feet to the westerly right-of-way line of Jasper Ave.; thence N02°08'24"E along said right-of-way line for a distance of 5.61 feet to the road right-of-way curve; thence northeasterly along a curve to the left, concave northwesterly, having a radius of 3,801.30 feet, curve length of 34.41 feet and a central angle of 00°31'07" along the chord of said curve on a bearing of N01°52'50"E for a distance of 34.41 feet; thence S89°59'13"W for a distance of 11.20 feet to a point on the westerly line of said quarter-quarter and the Point of Beginning.

Said described parcel of land contains 0.01 acres and is subject to all easements and right-of-ways of record.

The aforesaid Easement shall be exclusively for ingress and egress. This Easement shall run with the land.

Dated this ____ day of October, 2024.

Kent Ivener, Manager, Ivener Farms LLC

STATE OF IOWA)
) ss:
COUNTY OF WOODBURY)

On this ____ day of October, 2024, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kent Ivener, Manager of Ivener Farms LLC, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said State.

Roll 746 Image 6771

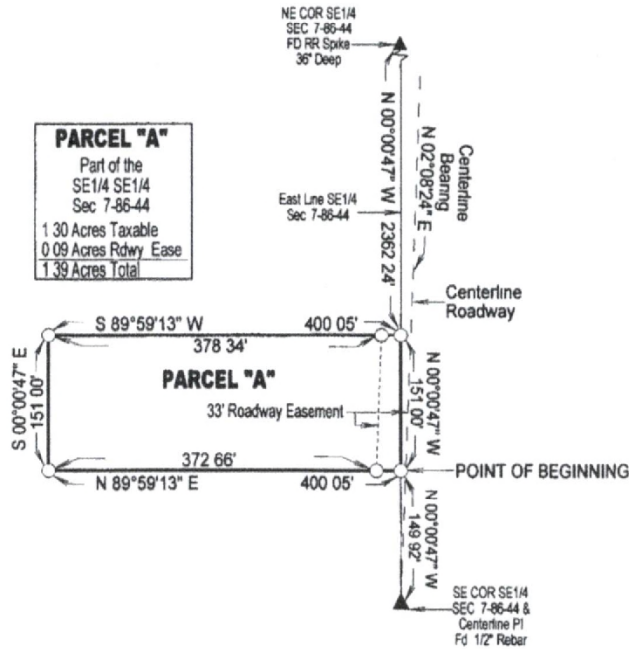
Document 12055 Type SRVYP Pages 1
Date 4/22/2016 Time 11:18 AM
Rec Amt \$7.00

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

PREPARED BY = DAVID L. WILBERDING - 8 BRADY DRIVE - CHEROKEE, IOWA 51012 - PHONE (712) 548-6325

PLAT OF SURVEY

SURVEY PLAT SHOWING A PARCEL OF LAND LOCATED IN A PART OF THE
SE1/4 OF THE SE1/4 OF SECTION 7, T86N, R44W OF THE 5TH P.M.,
WOODBURY COUNTY, IOWA.



Legal Description for Parcel "A"

A parcel of land described as being a part of the Southeast Quarter of the Southeast Quarter of Section 7, Township 86 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Southeast corner of the SE1/4 of said Section 7, thence N 00°00'47" W on the East line of the SE1/4 of said Section 7, a distance of 149.92 feet to the POINT OF BEGINNING, thence continuing N 00°00'47" W on the East line of the SE1/4 of said Section 7, a distance of 151.00 feet, thence S 89°59'13" W, a distance of 400.05 feet, thence S 00°00'47" E, a distance of 151.00 feet, thence N 89°59'13" E, a distance of 400.05 feet to the POINT OF BEGINNING, said described Parcel "A" contains a total of 1.39 Acres, inclusive of a Public Roadway Easement of 0.09 Acres. Said Parcel "A" is also subject to any and all other Easements of Record.



For the purpose of this Survey the East line of the SE1/4 of said Section 7 is assumed to bear N 00°00'47" W

() = Recorded as		○ = Set 1/2" Rebar W/Blue Cap #10315		Owner = IVENER FARMS, LLC	
		DATE SURVEY MARCH 2016		SURVEY REQUESTED BY Rod DeGroot	
SURVEY LOCATION 		I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa. <i>David L. Wilberding</i> 4-22-2016 David L. Wilberding License No. 10315 Date My License renewal date is December 31, 2017 Pages or sheets covered by this seal 1			

Pg 1
Deed

Roll 688 Image 9638-9639
Document 10736 Type QCD Pages 2
Date 1/17/2007 Time 9:28 AM
Rec Amt \$12.00 Aud Amt \$10.00

PATRICK F GILL, AUDITOR AND RECORDER *E*
WOODBURY COUNTY IOWA *an*

THE IOWA STATE BAR ASSOCIATION Official Form No. 106 - January 2006		Mitchell A. Herigstad #14417	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER
Return Document to: <u>Kent W. Ivener and Michelle B. Ivener, 3701 Cheyenne Blvd., Sioux City, IA 51104</u>			
Preparer Information: <u>Mitchell A. Herigstad, 501 Pierce Street, Suite 300, Sioux City, Iowa 51101 (712) 252-0020</u>			
Address Tax Statement: <u>3701 Cheyenne Blvd., Sioux City, Iowa 51104 Kent W. + Michelle B. Ivener</u>			
 QUIT CLAIM DEED			
For the consideration of <u>One</u> Dollar(s) and other valuable consideration, <u>Michele B. Ivener a/k/a Michelle B. Ivener and Kent W. Ivener, wife and husband,</u>			
do hereby Quit Claim to <u>Ivener Farms, L.L.C., an Iowa limited liability company</u>			
all our right, title, interest, estate, claim and demand in the following described real estate in <u>Woodbury</u> County, Iowa.			
See Exhibit "A" attached hereto and by this reference incorporated herein.			
Subject to and together with covenants, conditions, restrictions, and easements of record, if any.			
Exempt from Declaration of Value as per Iowa Code Chapter 428A.2(15).			
Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.			
		Dated: <u>12/21/06</u>	
(Grantor)		<u>Michele B. Ivener</u>	(Grantor)
(Grantor)		<u>Kent W. Ivener</u>	(Grantor)
STATE OF <u>IOWA</u> COUNTY OF <u>WOODBURY</u>			
This instrument was acknowledged before me on <u>12-21</u> , 2006, by <u>Michele B. Ivener a/k/a Michelle B. Ivener and Kent W. Ivener, wife and husband,</u>			
(This form of acknowledgment for individual use)			<u>M A H 21</u> Notary Public
		Mitchell A. Herigstad Iowa Notarial Seal Commission number 179662 My Commission Expires 05/24/07	

Pg 2
Deed

EXHIBIT "A"

The East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Eighty-six (86), North, Range Forty-four (44), West of the Fifth Principal Meridian, in the County of Woodbury and State of Iowa, excepting therefrom that part of the Southeast Quarter (SE $\frac{1}{4}$) described as follows: Beginning at the Northeast corner of said Southeast Quarter (SE $\frac{1}{4}$); thence South along the East line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of One thousand two hundred ninety-one and one-tenth feet (1291.1'); thence with an angle to the right of Ninety degrees (90°) for a distance of Two hundred forty-one and five-tenths feet (241.5'); thence with an angle to the right of Ninety degrees (90°) for a distance of Four hundred eleven and three-tenths feet (411.3'); thence with an angle to left of Ninety degrees (90°) for a distance of One hundred fifty-two and one-tenth feet (152.1'); thence with an angle to the right of Ninety degrees (90°) for a distance of Eight hundred eighty-six and four-tenths feet (886.4') to a point on the North line of said Southeast Quarter (SE $\frac{1}{4}$); thence East along said North line for a distance of Three hundred ninety-three and six-tenths feet (393.6') to the point of beginning.

AND

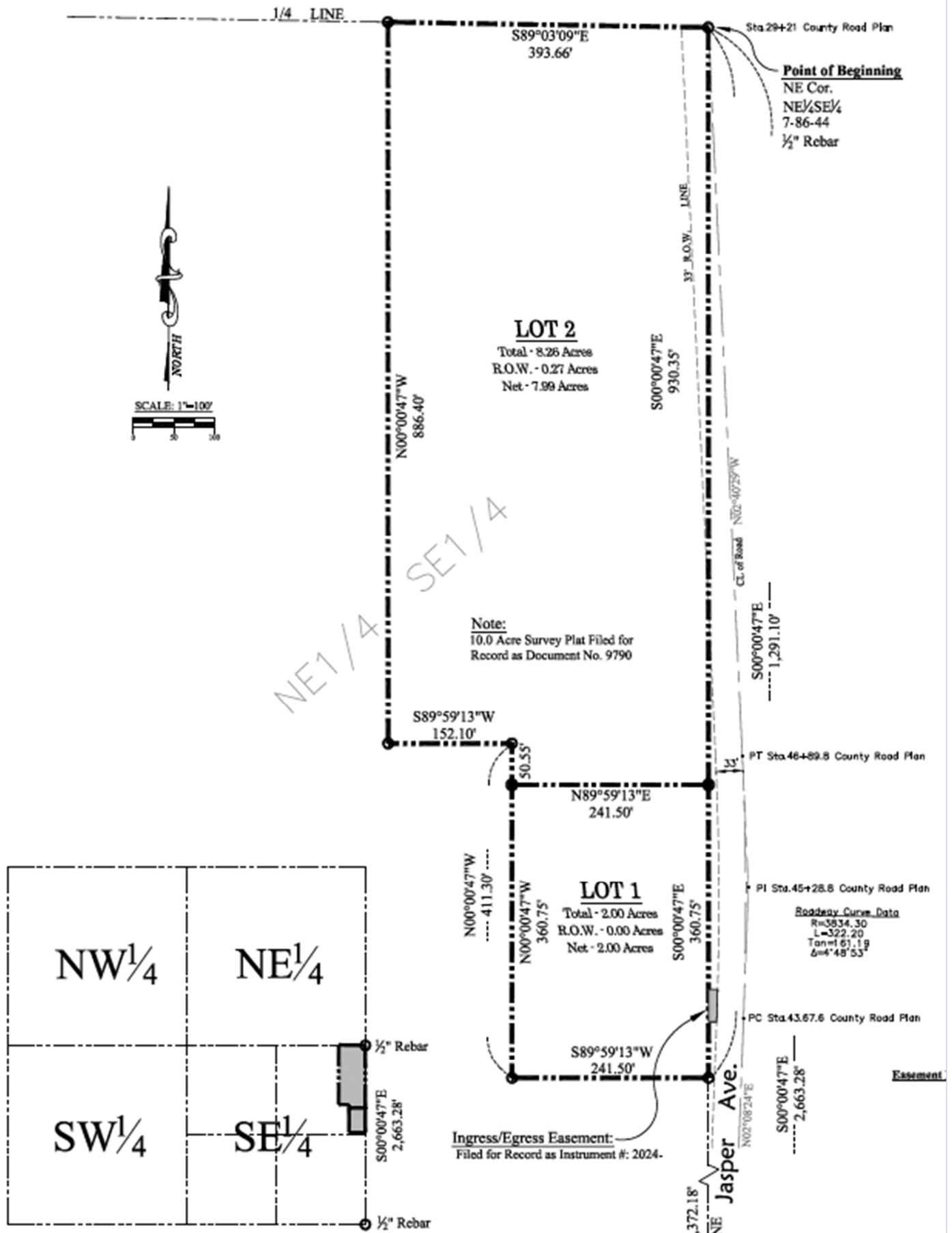
Two (2) acres West of the road in the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Eight (8), Township Eighty-six (86) North, Range Forty-four (44) West of the 5th P.M., Woodbury County, Iowa.

PICTOMETRY

Pictometry



PLAT MAP EXCERPT



TITLE OPINION

County Auditor and Recorder
Woodbury County, Iowa

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.11(1)(c) to property which includes in its entirety, property described in the surveyor's certificate on the plat of: Oakridge Addition, a Minor Subdivision in the NE¼ SE¼ of Section 7, T86N, R44W of the 5th P.M., an Addition to Woodbury County, Iowa last certified by Engleson Abstract Co., Inc., dated _____, 2024 at 8:59 a.m. and from said abstract find good and merchantable title to said premises vested in Oakridge Livestock Company, Inc. subject to the following, liens, limitations and exceptions:

1. Entry 24 shows a Right-of-Way Agreement in favor of Iowa Public Service Company which grants them the right to construct, operate, replace, repair, and maintain, or remove an electric transmission and distribution line or system. Said Easement was filed on April 3, 1968 on Book 1177, Page 403.
 2. Entry 28 discloses that the property is subject to the Zoning Regulations of the Woodbury County Board of Supervisors dated January 11, 1971, and recorded March 5, 1971, in Book 1263, Pages 9 to 78. The property is subject to these regulations, and your intended use of the property may be affected by such resolutions. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
 3. Entry 51 discloses Resolutions Number 6332 and 6333 of the Woodbury County Board of Supervisors which were recorded on May 12, 1977, on Roll 62, Images 2118 through 2121. These resolutions govern the use of certain lands within Woodbury County, Iowa, which may be within boundaries designated as Flood Hazard Areas.
 4. Entry 52 shows a Notice of Filing of Soil and Water Resource Conservation Plan file on July 29, 1992, on Roll 266, Image 2343. The Plan is available for inspection at the District Office of the Woodbury County Soil and Water Conservation District.
 5. Entry 53 shows Resolution No. 9460 filed on December 12, 2000 and recorded in Roll 475, Image 935 in the office of the Recorder of Woodbury County, Iowa.
 6. Entry 54 shows Resolution No. 10,455 adopted by the Woodbury County, Iowa, Board of Supervisors dated July 29, 2008, and recorded August 29, 2008, on Roll 699, Image 7213 which includes, among other things, new comprehensive zoning ordinances establishing zoning regulations for the unincorporated area of Woodbury County, Iowa. The property is subject to these regulations, and your intended use of the property may be affected by such resolutions. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
 7. Entry 55 shows Resolution No. 10,456 adopted by the Woodbury County, Iowa, Board of Supervisors dated July 29, 2008, and recorded August 29, 2008, on Roll 699, Image 7313 which prescribes the minimum requirements for the design and development of new subdivisions and the resubdivision of land in the unincorporated area of Woodbury County, Iowa. All previous ordinances are repealed. If you intend to subdivide the property, you will need to comply with this resolution. Buyers are referred to the Woodbury County Zoning Administrator's Office for details regarding limitations upon development.
 8. Entry 59 shows an Ordinance No. 61 filed on February 28, 2022 and recorded in Instrument #2022-02525 in the office of the Recorder of Woodbury County, Iowa.
 9. Entry 60 shows an Ordinance No. 74 filed on August 18, 2023 and recorded in Instrument #2023-07899 in the office of the Recorder of Woodbury County, Iowa.
-
1. The County Road Right of Way and Electric Easements as shown on the Final Plat of Kerr Addition.
 2. An Easement between K & L Legacy Farms, L.L.C. (Grantor) and Summit Carbon Solutions, LLC (Grantee), dated November 19, 2021, and filed January 3, 2022, in Document No. 2022-00073.
 3. All certified real estate taxes and special assessments due and payable have been paid. Real estate taxes and special assessments not certified are a lien in an undetermined amount.

Dated: _____, 2024.

Jay P. Phipps
ATTORNEY AT LAW

Woodbury County, IA / Sioux City

Summary

Parcel ID 864407400003
 Alternate ID 675480
 Property Address 2963 JASPER AVE
 HORNICK IA 51026
 Sec/Twp/Rng 7-86-44
 Brief Tax Description E241.5' S411.3' N1291.1' E393.6' N886.4' NESE 7-86-44
 (Note: Not to be used on legal documents)
 Deed Book/Page 2022-02791 (3/4/2022)
 Gross Acres 10.14
 Net Acres 10.14
 Adjusted CSR Pts 460.8
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0044 LITTLE SIOUX/WESTWOOD
 School District WESTWOOD COMM
 Neighborhood N/A



Owner

Deed Holder
[OAKRIDGE LIVESTOCK COMPANY INC](#)
 36775 140TH ST
 MAPLETON IA 51034
 Contract Holder
 Mailing Address
 OAKRIDGE LIVESTOCK COMPANY INC
 36775 140TH ST
 MAPLETON IA 51034

Land

Lot Area 10.14 Acres; 441,698 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 2 Story Frame
 Architectural Style N/A
 Year Built 1910
 Condition Poor
 Roof Asph / Hip
 Flooring
 Foundation C Blk
 Exterior Material WOOD
 Interior Material Pls
 Brick or Stone Veneer
 Total Gross Living Area 1,583 SF
 Main Area Square Feet 784
 Attic Type None;
 Number of Rooms 0 above; 0 below
 Number of Bedrooms 0 above; 0 below
 Basement Area Type Full
 Basement Area 784
 Basement Finished Area
 Plumbing 1 Standard Bath - 3 Fi; 1 Sink;
 Appliances
 Central Air No
 Heat Yes
 Fireplaces
 Porches 1S Frame Open (209 SF); 1S Frame Enclosed (56 SF);
 Decks
 Additions 1 Story Frame (15 SF);
 Garages

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
3/4/2022	GARDNER BONNIE L	OAKRIDGE LIVESTOCK COMPANY INC	2022-02791	Normal	Deed		\$120,000.00

Valuation

	2024	2023	2022	2021	2020
Classification	Ag Dwelling/ Agriculture	Ag Dwelling/ Agriculture	Ag Dwelling/ Agriculture	Ag Dwelling/ Agriculture	Ag Dwelling/ Agriculture
+ Assessed Land Value	\$15,020	\$15,020	\$11,670	\$11,670	\$11,030
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$40,440	\$40,440	\$30,710	\$30,710	\$30,430
= Gross Assessed Value	\$55,460	\$55,460	\$42,380	\$42,380	\$41,460
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$55,460	\$55,460	\$42,380	\$42,380	\$41,460

Sioux City Special Assessments and Fees

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

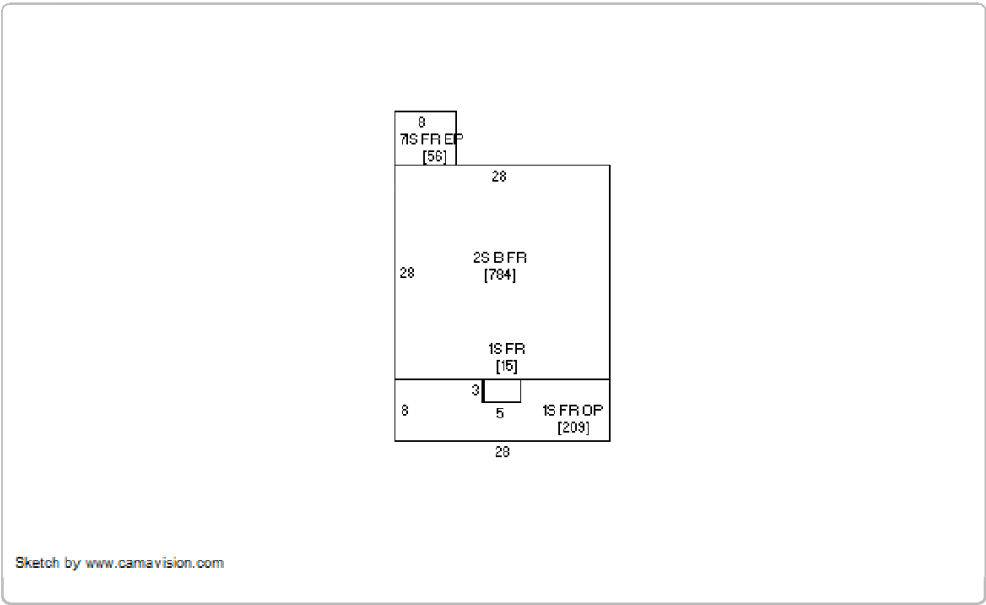
Woodbury County Tax Credit Applications

Apply for Homestead, Military or Business Property Tax Credits

Photos



Sketches



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

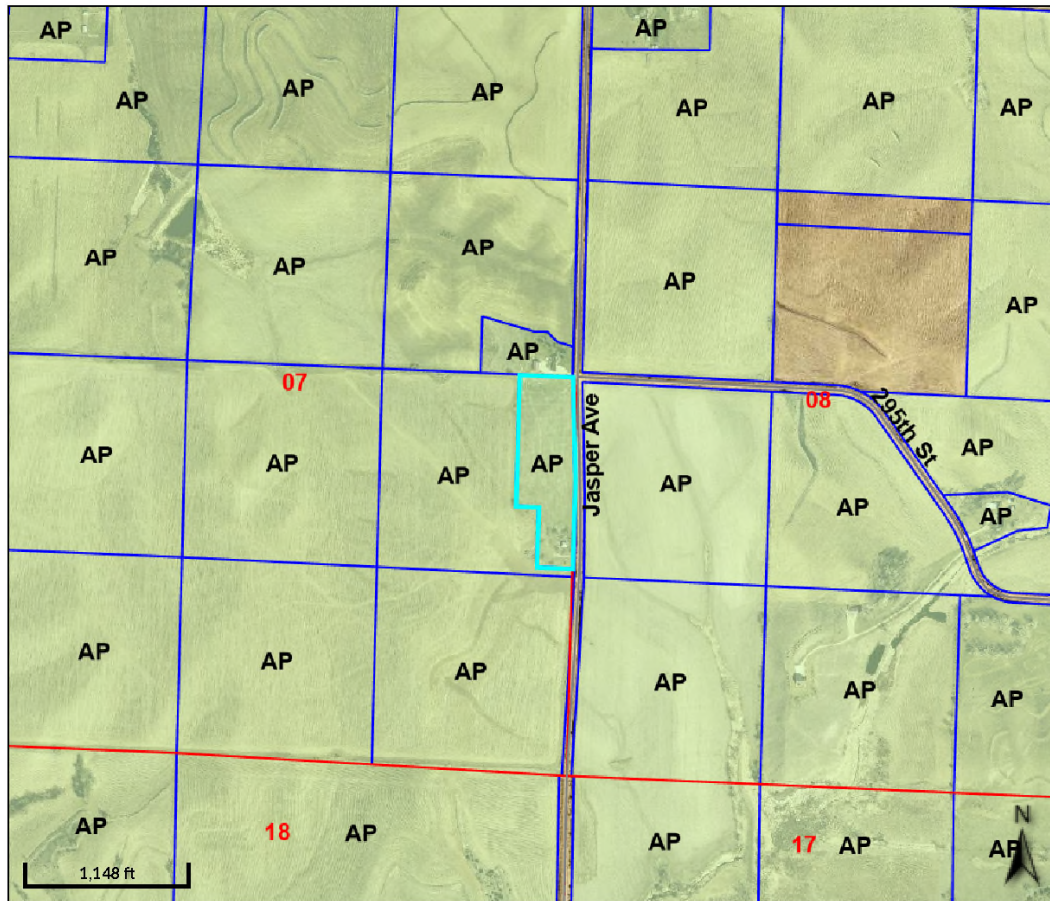
The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.
[| User Privacy Policy](#) | [GDPR Privacy Notice](#)
[Last Data Upload: 10/31/2024, 10:58:52 PM](#)

Contact Us

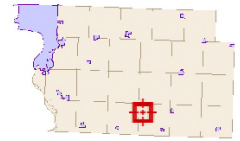
Developed by



Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

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

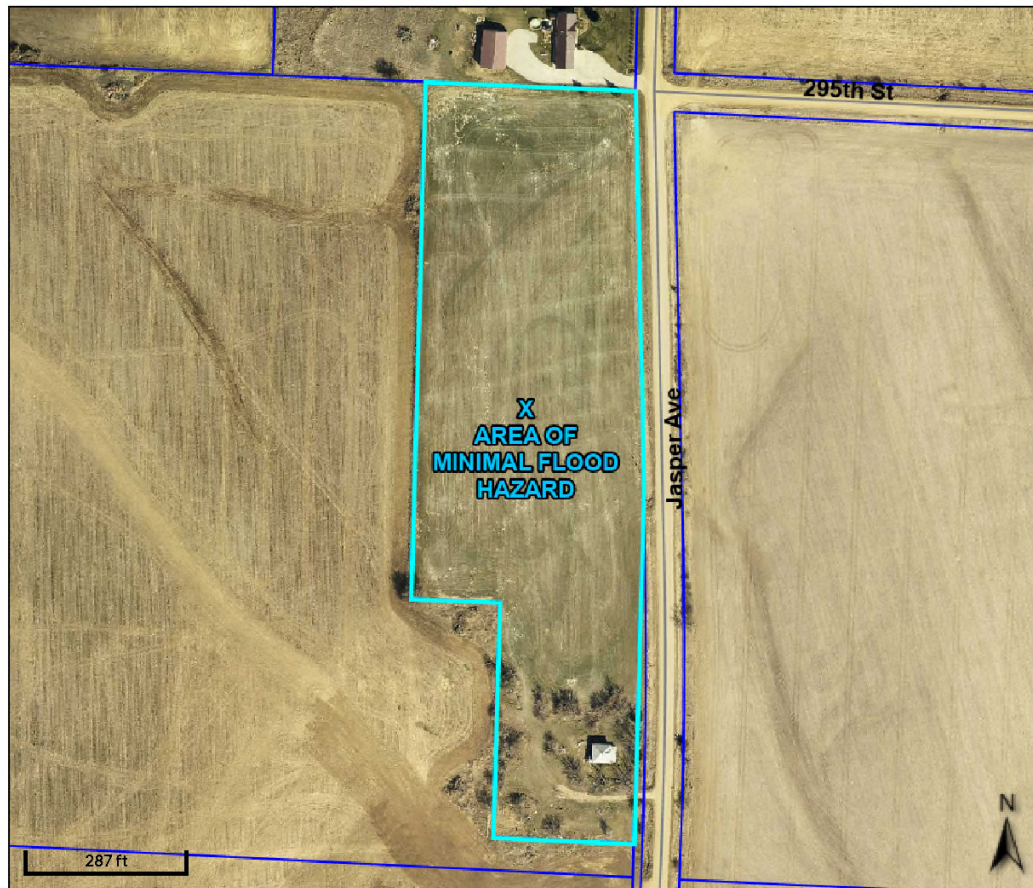
Parcel ID	864407400003	Alternate ID	675480	Owner Address	OAKRIDGE LIVESTOCK COMPANY INC
Sec/Twp/Rng	7-86-44	Class	AD		36775 140TH ST
Property Address	2963 JASPER AVE	Acreage	10.14		MAPLETON, IA 51034
	HORNICK				
District	0044				
Brief Tax Description	E241.5' S411.3' N1291.1' E393.6' N886.4' NESE 7-86-44				
	(Note: Not to be used on legal documents)				

Date created: 11/1/2024

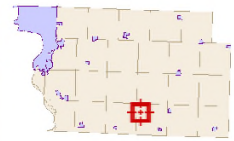
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Developed by  **SCHNEIDER**
GEOSPATIAL

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

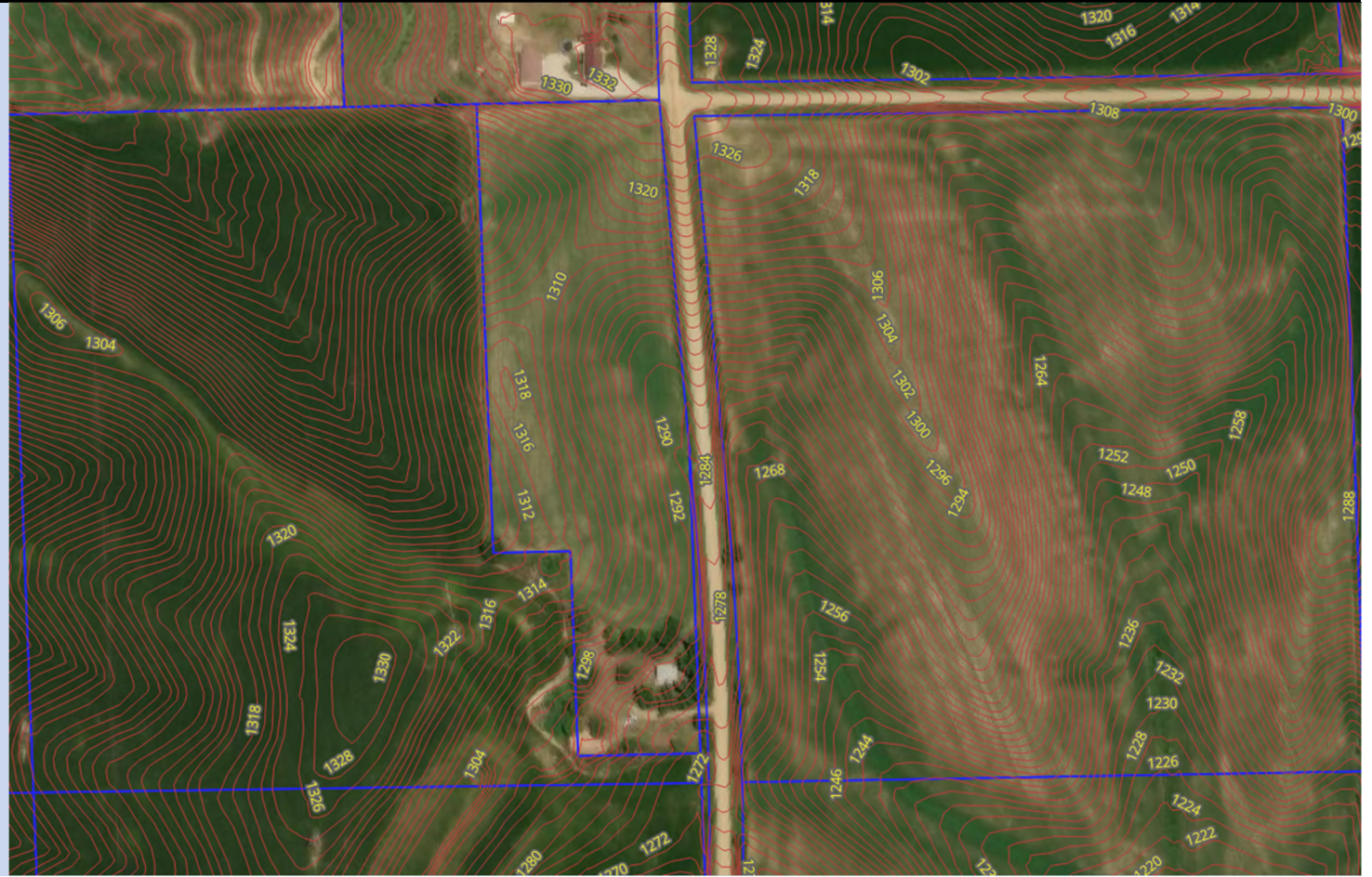
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Date created: 11/1/2024

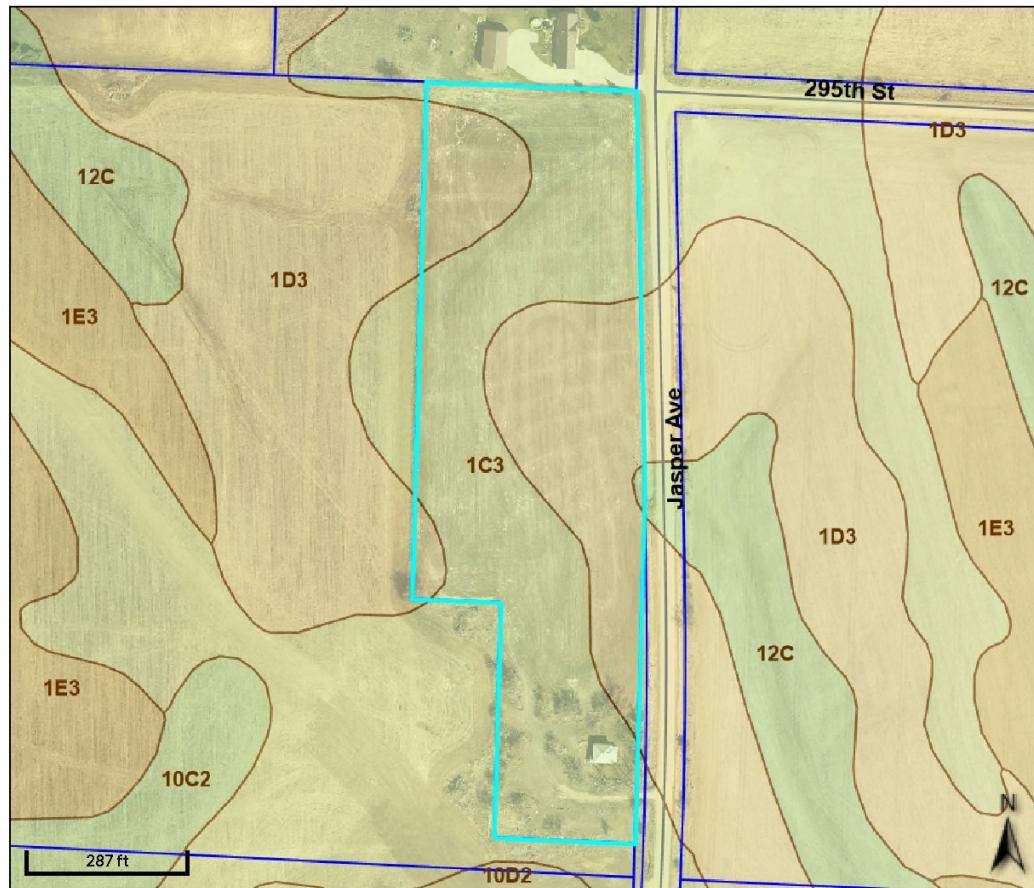
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Developed by  **SCHNEIDER**
GEOSPATIAL

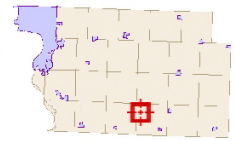
ELEVATION MAP



Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

— Roads

Soils

- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000

■ Corp Boundaries

■ Townships

■ Parcels

Parcel ID	864407400003	Alternate ID	675480	Owner Address	OAKRIDGE LIVESTOCK COMPANY INC
Sec/Twp/Rng	7-86-44	Class	AD		36775 140TH ST
Property Address	2963 JASPER AVE	Acreage	10.14		MAPLETON, IA 51034
	HORNICK				
District	0044				
Brief Tax Description	E241.5' S411.3' N1291.1' E393.6' N886.4' NESE 7-86-44				
	(Note: Not to be used on legal documents)				

Date created: 11/1/2024

Last Data Uploaded: 10/31/2024 11:58:52 PM

Developed by  **SCHNEIDER**
GEOSPATIAL

SOIL REPORT(S)

Summary

Parcel ID	864407400003
Gross Acres	10.14
ROW Acres	0.00
Gross Taxable Acres	10.14
Exempt Acres	0.00
Net Taxable Acres	10.14 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	48.50 (491.81 CSR2 Points / 10.14 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Columns ▼				
Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	8.53	46.89	399.99	399.99
Non-Crop	1.61	57.03	91.82	60.81
Total	10.14		491.81	460.80

Soil Summary

Columns ▼						
Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.03	2.67	2.67
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	4.82	279.56	279.56
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	3.68	117.76	117.76
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.55	89.90	58.93
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.06	1.92	1.88
Total				10.14	491.81	460.80



WOODBURY COUNTY PLANNING & ZONING

620 Douglas Street, Sixth Floor, Sioux City, Iowa 51101
712.279.6609 – 712.279.6530 (Fax)

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

Dawn Norton – Senior Clerk
dnorton@woodburycountyiowa.gov

PRELIMINARY REPORT – NOVEMBER 20, 2024

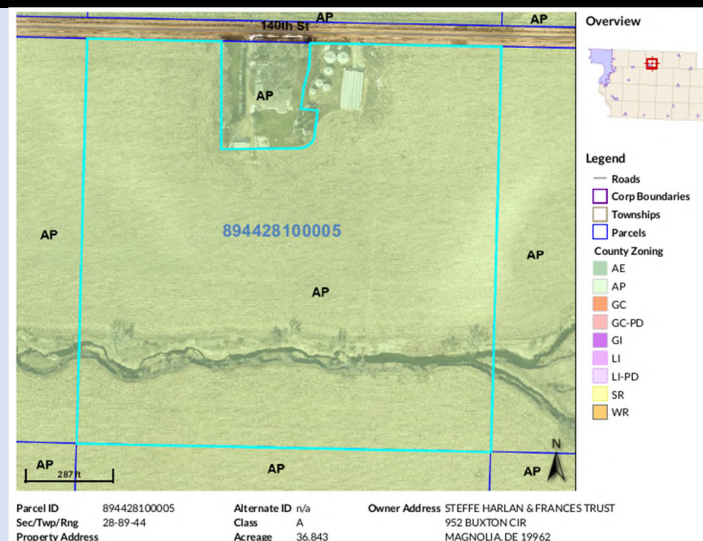
JW COLLINS HOMESTEAD – MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS		PROPERTY DETAILS		CONTENTS	
Applicant(s)/Owner(s):	Steffe Harlan & Frances Trust / Cynthia Steffe & Susan Boscone	Parcel(s):	894428100005	Summary, Aerial Map, Plat Excerpt, Recommendation, & Suggested Motion	
Application Type:	Minor Subdivision	Township/Range:	T89N R44W (Arlington)	Legal Notification	
Name of Subdivision:	JW Collins Homestead	Section:	28	Neighbor(s) Notification	
Application Date:	November 1, 2024	Quarter:	NE ¼ of the NW ¼	Stakeholder(s) Comments	
Number of Lots:	One (1)	Zoning District:	Agricultural Preservation (AP)	Review Criteria / Applicant Responses	
Total Acres:	2.2	Floodplain:	Zone X, 0.2 PCT, Zone X, & Zone A	Application	
Extraterritorial Review:	Waived on November 20, 2024 with Resolution 2024-4.	Property Address:	No address.	Supporting Documentation	
Legal Notice Date:	November 14, 2024				
Neighbor(s) Notice Date:	November 8, 2024				
Stakeholder(s) Notice Date:	November 5, 2024				
Zoning Commission Public Hearing Date:	November 25, 2024				
Board of Supervisors Agenda Date:	TBD				
Attorney:	Michael Murphy				
Surveyor:	David Wilberding				

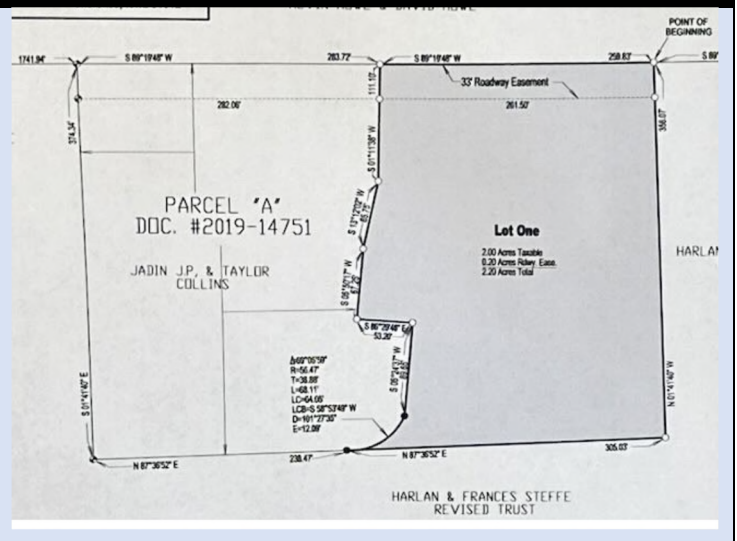
SUMMARY

The Steffe Harlan & Frances Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894428100005 referenced above. This subdivision is being completed to establish a lot for agricultural uses as it will be used to store grain, hay, and farm equipment. This minor subdivision proposal has been properly noticed in the Sioux City Journal legal section on November 14, 2024. The neighbors within 1000 FT have been duly notified via a November 8, 2024 letter about the November 25, 2024 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and portions are located in the Zone A and Zone X 0.2 percent floodplain. The City of Moline waived their extraterritorial review authority with the approval of Resolution 2024-43 on November 20, 2024. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets appropriate criteria for approval.

AERIAL MAP



PLAT EXCERPT



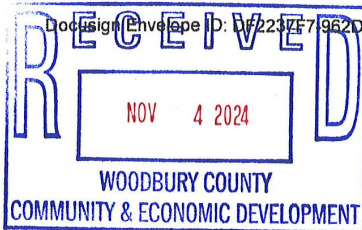
STAFF RECOMMENDATION

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

SUGGESTED MOTION

Motion to recommend approval of the final plat to the Woodbury County Board of Supervisors.

DocuSign Envelope ID: D72237F7-962D-498C-BC30-ADA3FDE5ADBE



NOV 4 2024

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: Harlens Frances Stette Trust, Cynthia Stette + Susan Boscona
952 Buxton Circle Name of Owner CO-Trustee
8 Meadow Lane Purchase NY 10577 Mailing Address: Street City or Town State and Zip + 4
R.R. MOBILE IOWA 5 Property Address: Street City or Town State and Zip + 4
 Ph/Cell #: 712 533 1326 E-mail Address: gina.collins@premieronline.net
 To subdivide land located in the NE Quarter of Section 28
 Civil Township 85N 44 W GIS Parcel # 894428100005
 Name of Subdivision: JW Collins Homestead
 Subdivision Area in Acres 2.2 Number of Lots 1

Attachments:

1. Eight (8) copies of grading plans; if required.
2. Eight (8) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: David Wilbunding Ph/Cell: 712 548 6325
 Attorney: Michael Murphy Ph/Cell: 712 546 8844

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

Owner's Signature: Cynthia Stette
 Zoning Director: [Signature]

For Office Use Only:

Zoning District A Flood District X Date 11/4/24 No. 7031

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$300 CLK #1068
 5 Lots or more (\$300* plus \$5 per lot + Additional Fees) _____

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

Prepared by/Return to: W.E. (GENE) Collins, 38 First Avenue NW, Le Mars, IA 51031, 712.546.8844

JW COLLINS HOMESTEAD
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

AFFIDAVIT RE MINOR SUBDIVISION USAGE

RE: A parcel of land described as being a part of the Northeast Quarter of the Northwest Quarter of Section 28, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:
Commencing at the Northeast corner of the NE1/4 of said Section 28; thence S 89°19'48" W on the North line of said Section 28, a distance of 2991.45 feet to the POINT OF BEGINNING; thence continuing S 89°19'48" W on said North line, a distance of 259.83 feet to the Northeast corner of Parcel "A" (Recorded as Document #2019-14751 in the Office of the Woodbury County Recorder), the following six courses are common to said Parcel "A"; thence S 01°11'38" W, a distance of 111.10 feet; thence S 13°12'02" W, a distance of 65.75 feet; thence S 05°50'17" W, a distance of 67.25 feet; thence S 86°29'48" E, a distance of 53.20 feet; thence S 05°24'37" W, a distance of 89.65 feet to the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 56.47 feet, a central angle of 69°05'59", and a chord of 64.05 feet bearing S 58°53'49" W; thence Southwesterly along said curve, a distance of 68.11 feet; thence N 87°36'52" E, a distance of 305.03 feet; thence N 01°41'40" W, a distance of 358.07 feet to the POINT OF BEGINNING; said described Parcel contains a total of 2.20 Acres, inclusive of a Public Roadway Easement of 0.20 Acres. Said Parcel is subject to a 20-foot wide Ingress/Egress Easement as shown on the Plat and is further subject to any and all other Easements, be they of Record or not.
For this Survey, the North line of said Section 28 is assumed to bear S 89°19'48" W.

STATE OF IOWA; COUNTY OF PLYMOUTH; SS:

COMES NOW W.E. (Gene) Collins, being first duly sworn on oath, and in support of said Affidavit, states as follows:

1. I will be the owner/operator of the Minor Subdivision described above.
2. As you can see by the photos attached, the property consists of a 60 X 120 farm storage shed; two 20,000 bushel grain bins and three additional grain bins with storage capacities of 3,000-5,000 bushels, each, together with fans, augers and attached equipment.
3. The property always has and will be used as part of a continuing farming operation.
4. As the photos depict, farm equipment and grain is stored in the storage building and grain is stored in each of the grain bins.
5. My son and I currently operate a hay business as depicted by the round bales situated on the property and such hay is and will be stored in and around the building, and likewise the unimproved portion of the minor subdivision will be seeded to alfalfa which will be harvested and sold.
6. The minor subdivision is situated and adjacent to an existing farm homestead acreage where my son resides.

Further Affiant sayeth not.


 W.E. (GENE) COLLINS

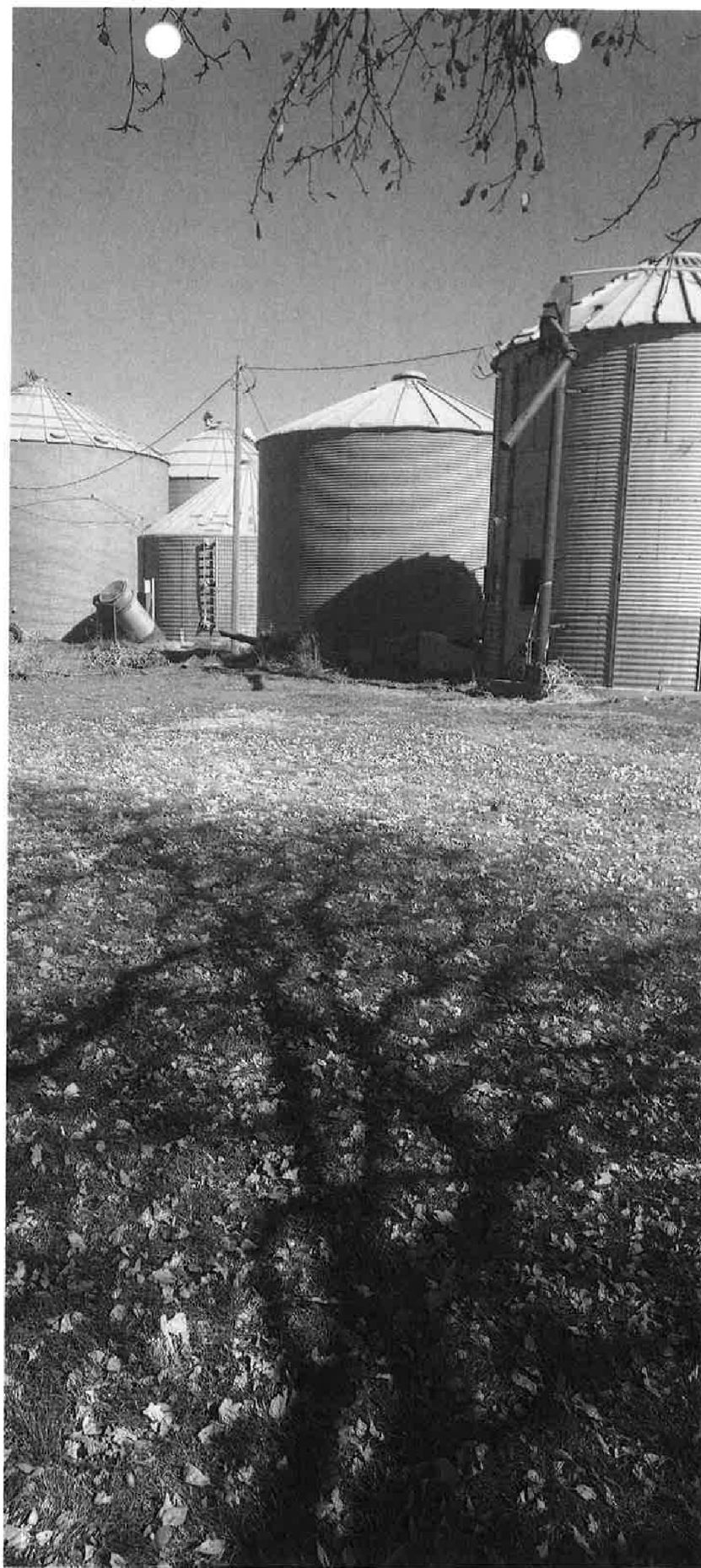
SUBSCRIBED AND SWORN to before me this 23 day of October, 2024, by W.E. (GENE) COLLINS.

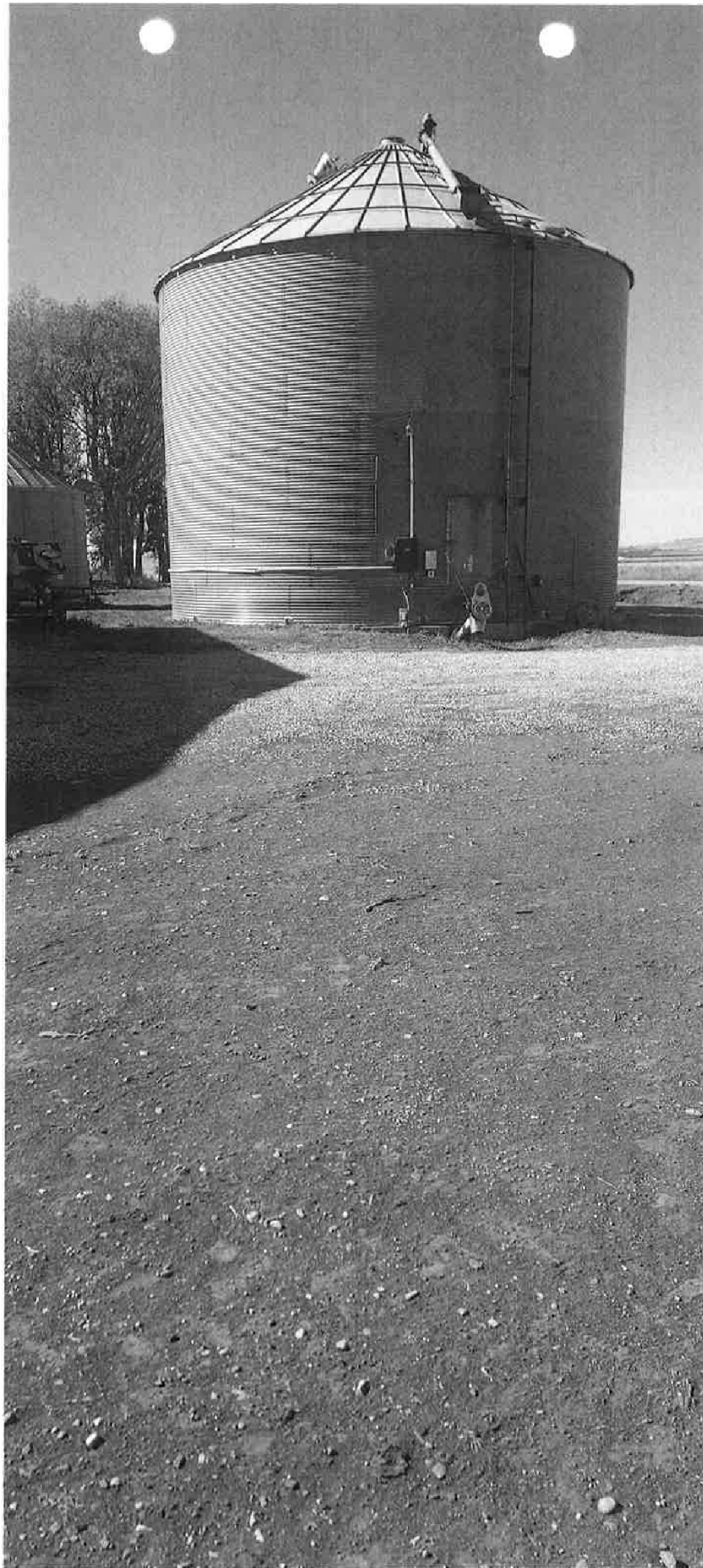


 NOTARY PUBLIC

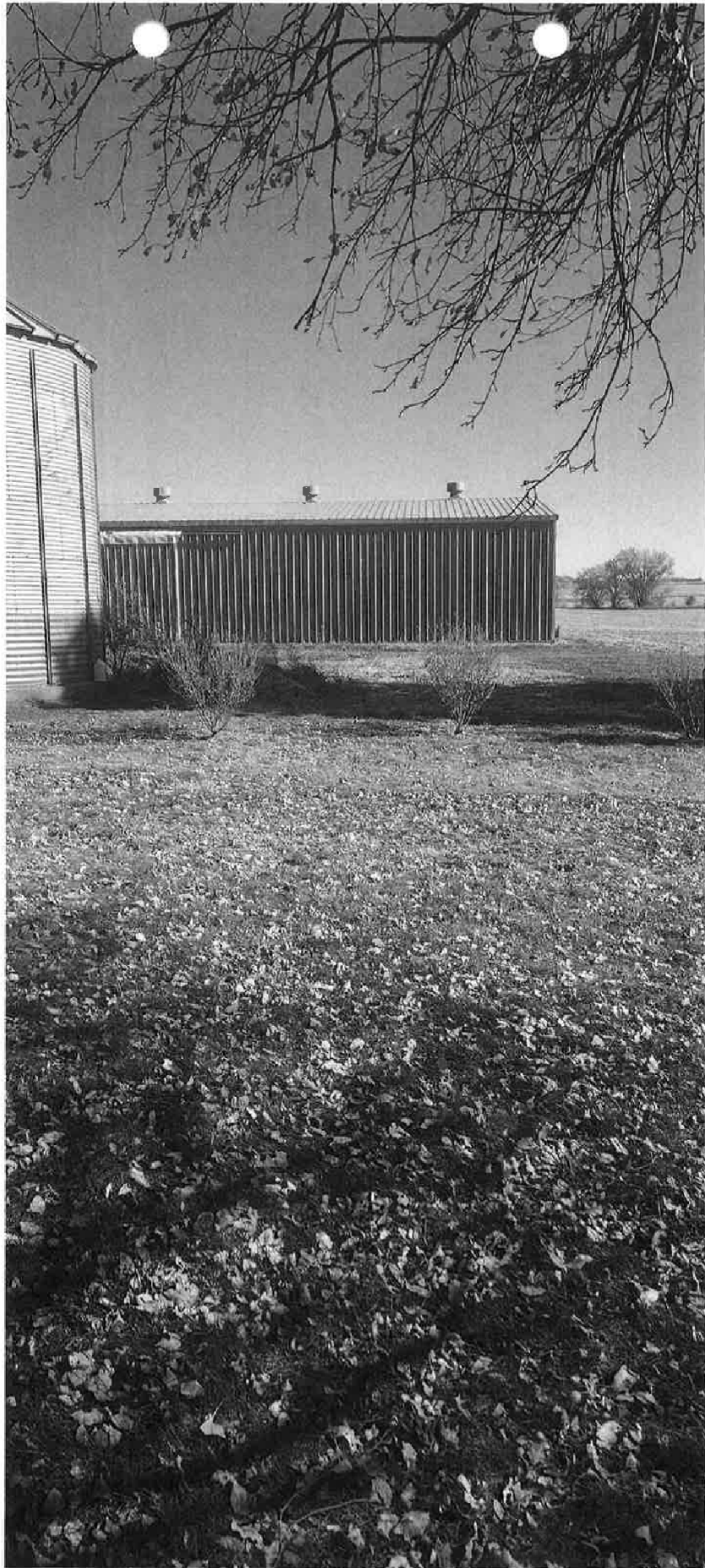






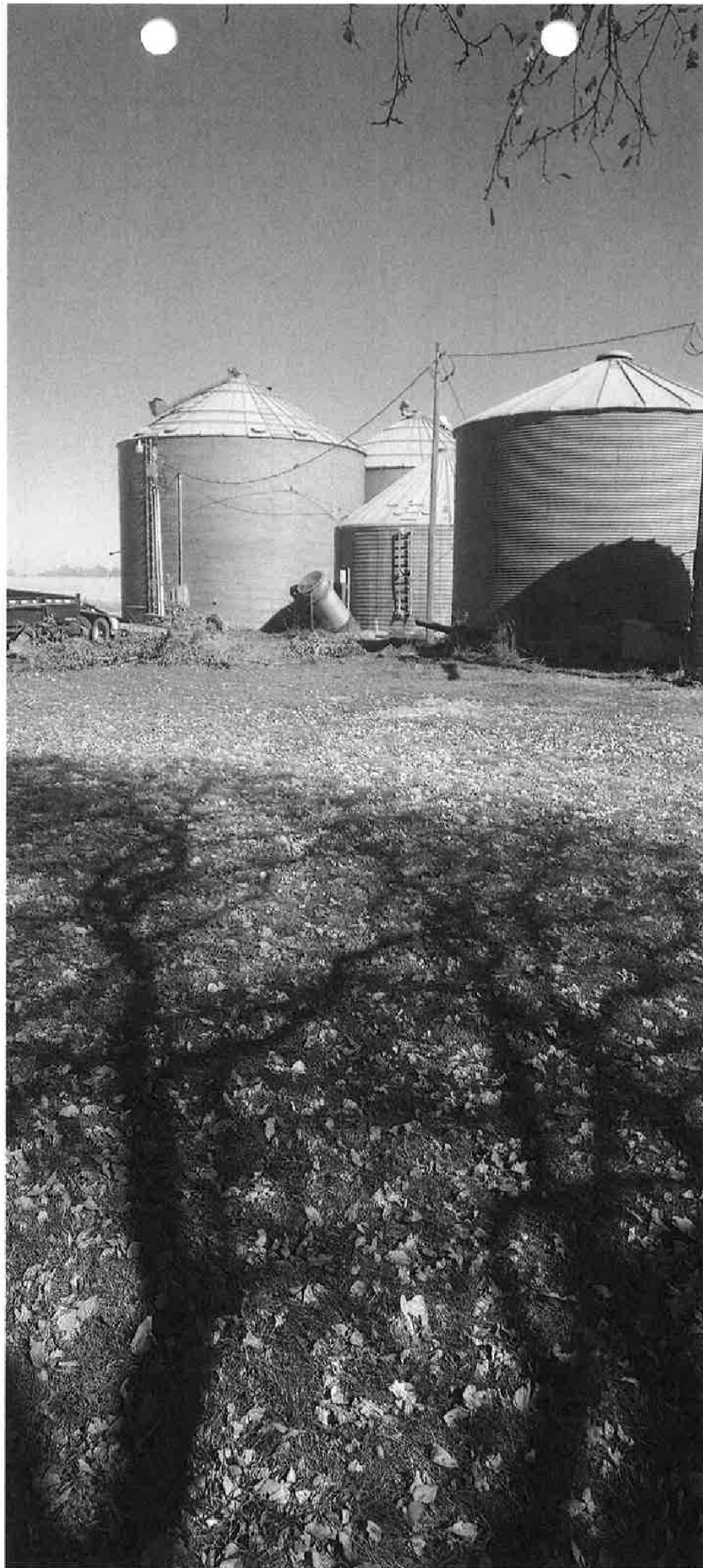












FINAL PLAT

Index Legend

Location: Section 28, T8N, R44W, NE1/4 NW1/4
 Replat: W.E. (Gene) Collins, Attorney at Law
 Owner: HARLAN & FRANCES STEFFE REVISED TRUST
 Surveyor: David L. Wilberding
 Company: PSS Inc.
 Return To: David L. Wilberding, #8 Brady Drive, Cherokee, IA 51012
 pwil@surveys.com | (712)448-6325

FINAL PLAT

"JW Collins Homestead"

a Minor Subdivision, to Woodbury County, Iowa

SURVEYOR'S CERTIFICATE

I, DAVID L. WILBERDING, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10315, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF "JW Collins Homestead", WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESCRIBED IN THE ACCESSION PLAT THAT THE SAME ARE OF THE DIMENSIONS, MEASURES, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT, AND THAT FROM STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT AND TRACT EXCEPT AS NOTED ON SAID PLAT, DATED AT SIOUX CITY, IOWA, 2024.

DAVID L. WILBERDING PLS #10315
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025
 Number of Pages covered by this certification: 1

Location Map - No Scale

SCALE 1" = 80'

Date Survey August 2024

Soiling

Current Zoning = AP

Proposed Zoning = No Change

0 = Set 12" x 30" Pole White Cap #10315
 1 = Set 12" x 30" Pole White Cap #10315
 2 = Flagged 10" Pole

ALVIN HOVE & DAVID HOVE

Legal Description for JW Collins Homestead:

A parcel of land described as being a part of the Northeast Quarter of the Northwest Quarter of Section 28, Township 8 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Northeast corner of the NE1/4 of said Section 28, thence S 89°19'48" W on the North line of said Section 28, a distance of 2991.45 feet to the POINT OF BEGINNING, thence continuing S 89°19'48" W on said North line, a distance of 259.83 feet to the Northeast corner of Parcel "A" (Recorded as Document #2019-14751 in the Office of the Woodbury County Recorder), the following six corners are common to said Parcel "A": thence S 01°11'38" W, a distance of 111.10 feet, thence S 13°12'02" W, a distance of 65.75 feet, thence S 02°50'17" W, a distance of 67.25 feet, thence S 89°29'48" E, a distance of 53.20 feet, thence S 02°52'37" W, a distance of 89.65 feet to the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 56.47 feet, a central angle of 67°05'09", and a chord of 64.05 feet bearing S 58°53'49" W, thence Southwesterly along said curve, a distance of 68.11 feet, thence N 87°30'52" E, a distance of 305.53 feet, thence N 91°14'49" W, a distance of 358.07 feet to the POINT OF BEGINNING; said described Parcel contains a total of 2.20 Acres, inclusive of a Public Roadway Easement of 0.20 Acres. Said Parcel is further subject to any and all other Easements, be they of Record or not.

For this Survey, the North line of said Section 28 is assumed to bear S 89°19'48" W.

Owner / Subdivider

HARLAN & FRANCES STEFFE TRUST
 4155 E BLUE SPRUCE LN
 GILBERT AZ 85098

Surveyor

David L. Wilberding
 #8 Brady Drive
 Cherokee, Iowa 51012

Notes

- 1) Electrical Utility Provider: Woodbury REC
- 2) Telephone & Internet Utility Provider: WATTEL
- 3) Residential Minimum Lot Area: 2 acres Minimum Lot Width: 200' Setbacks: Front: 100' Side: 50' Rear: 50'

Parcel 'A' DOC. #2019-14751

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OF "JW Collins Homestead", WOODBURY COUNTY, IOWA, FOR USE IN WOODBURY COUNTY, IOWA AS REQUIRED BY IOWA CODE SECTION 354.6(2).

DATED: 2024

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

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

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

DATED: 2024

TINA BERTRAND
 TREASURER
 WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, TYLER MOGENSEN, HEREBY CERTIFY THAT ON THE DAY OF 2024, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED: 2024

TYLER MOGENSEN
 WOODBURY COUNTY ASSESSOR

BOARD OF SUPERVISOR'S RESOLUTION RESOLUTION NO.

RESOLUTION ACCEPTING AND APPROVING "JW Collins Homestead", WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE DAY OF 2024, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS "JW Collins Homestead", 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 "JW Collins Homestead", WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRMAN AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNERS AND PROPRIETORS A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS DAY OF 2024.

MATTHEW UNC
 CHAIRMAN, BOARD OF SUPERVISORS
 WOODBURY COUNTY, IOWA

ATTEST: PATRICK F. GILL, SECRETARY

COUNTY ENGINEER'S CERTIFICATE

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

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

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

I, CHRIS ZELMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVICEMENT THE PLAT OF "JW Collins Homestead", WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE DAY OF 2024 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

CHRIS ZELMER ZANT, CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION, WOODBURY COUNTY, IOWA

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA SS
 COUNTY OF WOODBURY

DOCKET NO. _____

FILED FOR RECORD, THIS DAY OF 2024 AT O'CLOCK, M.

RECORDED IN PLAT ENVELOPE INDEXED AND

DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED: 2024

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

THE CITY OF MOVILLE, by resolution, waived it's right to review the Subdivision Plat, per Section 354.6.2 of the Code of Iowa.

THE CITY OF MOVILLE, by resolution, waived it's right to review the Subdivision Plat, per Section 354.6.2 of the Code of Iowa.

ANY ATTACHMENTS ASSOCIATED WITH THIS FINAL PLAT WILL ALSO BE RECORDED IN THE WOODBURY COUNTY RECORDER'S OFFICE SEPARATELY IN ASSOCIATION WITH THE RECORDING OF THE FINAL PLAT.

- DEDICATION
- RESOLUTION FROM THE CITY OF MOVILLE
- MORTGAGE RESOLUTION, IF APPLICABLE
- ETC.

PLANNING AND ZONING 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, Planning and Zoning staff:

	shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
	Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends approval of the final plat.

ZONING COMMISSION – REVIEW CRITERIA (SUBDIVISION ORDINANCE)

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

	shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and
	Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.
	shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

RESOLUTION NO. 2024-43

Council Member Hayworth introduced the following Resolution entitled "RESOLUTION WAIVING THE RIGHT TO FURTHER REVIEW THE PLAT OF JW COLLINS HOMESTEAD, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA" and moved that it be adopted. Council Member Parks seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: Hayworth, Malm, Rapp, Parks, Mellies

NAYS: None

Whereupon, the Mayor declared said Resolution duly adopted as follows:

RESOLUTION WAIVING THE RIGHT TO FURTHER
REVIEW THE PLAT OF JW COLLINS HOMESTEAD,
A MINOR SUBDIVISION TO WOODBURY COUNTY,
IOWA

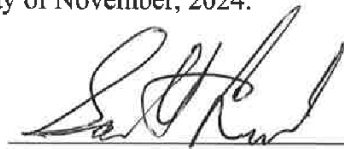
WHEREAS, the City Council pursuant to Resolution 2024-37 approved the Plat of JW Collins Homestead, A minor subdivision to Woodbury County, Iowa; and

WHEREAS, the Developer has requested the City waive the right to further review the Plat of JW Collins Homestead, A minor subdivision to Woodbury County, Iowa; and

WHEREAS, the Planning and Zoning Commission has recommended that the City Council waive the right to further review the Plat of JW Collins Homestead, A minor subdivision to Woodbury County, Iowa;

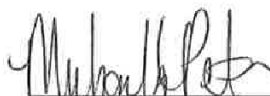
Now, therefore, be it resolved by the City Council of the City of Merville, State of Iowa, that the City Council waives the right to further review the Plat of JW Collins Homestead, A minor subdivision to Woodbury County, Iowa

PASSED AND APPROVED this 20th day of November, 2024.



Mayor

ATTEST:



City Clerk



Prepared by/Return to: W.E. (Gene) Collins, 38 First Avenue NW, Le Mars, Iowa 51031 712.546.8844

***PLATTING OF JW COLLINS HOMESTEAD
A MINOR SUBDIVISION, TO WOODBURY COUNTY, IOWA***

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that CYNTHIA STEFFE and SUSAN BASCONE, CO-TRUSTEES OF THE HARLAN AND FRANCES STEFFE TRUST, constituting the sole owners, both legal and equitable, of the following described real estate, to-wit:

A parcel of land described as being a part of the Northeast Quarter of the Northwest Quarter of Section 28, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Northeast corner of the NE1/4 of said Section 28; thence S 89°19'48" W on the North line of said Section 28, a distance of 2991.45 feet to the POINT OF BEGINNING; thence continuing S 89°19'48" W on said North line, a distance of 259.83 feet to the Northeast corner of Parcel "A" (Recorded as Document #2019-14751 in the Office of the Woodbury County Recorder), the following six courses are common to said Parcel "A"; thence S 01°11'38" W, a distance of 111.10 feet; thence S 13°12'02" W, a distance of 65.75 feet; thence S 05°50'17" W, a distance of 67.25 feet; thence S 86°29'48" E, a distance of 53.20 feet; thence S 05°24'37" W, a distance of 89.65 feet to the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 56.47 feet, a central angle of 69°05'59", and a chord of 64.05 feet bearing S 58°53'49" W; thence Southwesterly along said curve, a distance of 68.11 feet; thence N 87°36'52" E, a distance of 305.03 feet; thence N 01°41'40" W, a distance of 358.07 feet to the POINT OF BEGINNING; said described Parcel contains a total of 2.20 Acres, inclusive of a Public Roadway Easement of 0.20 Acres. Said Parcel is subject to a 20-foot wide Ingress/Egress Easement as shown on the Plat and is further subject to any and all other Easements, be they of Record or not.

For this Survey, the North line of said Section 28 is assumed to bear S 89°19'48" W,

have, in pursuance of law caused the above described real estate to be surveyed, staked and platted into two lots as particularly shown and set forth in the attached Plat and Surveyor's Certificate thereto of David L. Wilberding, Iowa Surveyor, Iowa Reg. No. 10315 who staked and platted the same to be known as JW COLLINS HOMESTEAD, A MINOR SUBDIVISION, TO WOODBURY COUNTY, IOWA, and that the same is with the free consent and in accord with the desires of said sole owner and proprietor thereof.

EXECUTED this 11 day of NOVEMBER, 2024.

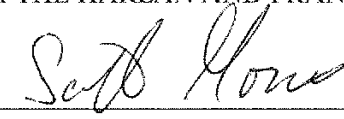

CYNTHIA STEFFE

SUSAN BASCONE

STATE OF NEW YORK; COUNTY OF WESTCHESTER; SS:

THIS RECORD acknowledged before me this 11 day of NOV, 2024, by CYNTHIA STEFFE, as Co-Trustee of THE HARLAN AND FRANCES STEFFE TRUST.

SCOTT J. GOWE
NOTARY PUBLIC OF NEW YORK
I.D. # 01G06357169
MY COMMISSION EXPIRES 4/17/2025

, NOTARY PUBLIC

STATE OF _____; COUNTY OF _____; SS:

THIS RECORD acknowledged before me this ____ day of _____, 2024, by SUSAN BASCONE, as Co-Trustee of THE HARLAN AND FRANCES STEFFE TRUST.

_____, NOTARY PUBLIC

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
 2802 Castles Gate Drive
 Sioux City 51106
 (712) 293-4250

State of Texas, County of Bexar, ss:

Jake Seaton, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
 Nov. 14, 2024

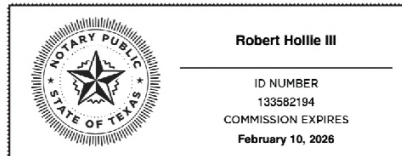
NOTICE ID: PMfukw7i5fkWwebwdgaf
PUBLISHER ID: COL-IA-501037
NOTICE NAME: ZC_11-25-24_Meeting
Publication Fee: \$66.86

Jake Seaton

(Signed) _____

VERIFICATION

State of Texas
 County of Bexar



Subscribed in my presence and sworn to before me on this: 11/15/2024

[Signature]

Notary Public
 Electronically signed and notarized online using the Proof platform.

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION
 The Woodbury County Zoning Commission will have a meeting and will hold public hearings on the following items hereafter described in detail on November 25, 2024 at 8:00 PM or as soon thereafter as the matters may be considered.
 Said public hearings will be held in the Board of Supervisors meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid public hearings in person or call 712-454-1133 and enter the Conference ID: 638 086 5379 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Hestley at dhestley@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Fri., Nov. 22, 2024.

Item One (1):
NUCLEAR ENERGY FACILITIES ZONING ORDINANCE TEXT AMENDMENT CONSIDERATION
 The Woodbury County Zoning Commission will hold a public hearing to consider the addition of Nuclear Energy Facilities as a land use option in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy facilities. Possible options include to amend the Land Use Summary Table of Allowed Uses (Section 3.03.4) by adding Nuclear Energy Facilities as a permitted allowed use or a conditional use in all or select the county zoning districts. Amendments may also be discussed pertaining to the addition of new sections pertaining to nuclear energy facilities, definitions, the renumbering, and reorganization of content within the zoning ordinance.


Item Two (2):
MINOR SUBDIVISION
PROPOSED MINOR SUBDIVISION: To be known as Oakridge Addition, A Minor Subdivision to Woodbury County, Iowa, a two-ct minor subdivision in a 10.26-acre portion of T88N R44W (Little Sioux Township) in Section 7 in the NE 1/4 of the SE 1/4 on Parcel #66440740003. The property is approximately 4.2 miles northwest of the City of Smithland. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Cassiope Livestock Company, Inc. 2963 Jasper Ave., Homick, IA, 51026 (Property Address); 36675 140th St., Mapleton, IA 51024 (Mailing Address).

Item Three (3):
MINOR SUBDIVISION
PROPOSED MINOR SUBDIVISION: To be known as JW Collins Homestead, A Minor Subdivision to Woodbury County, Iowa, a one-ct minor subdivision in a 2.26-acre portion of T88N R44W (Arlington Township) in Section 26 in the NE 1/4 of the NW 1/4 on Parcel #66440810005. The property is approximately one-half mile northeast of the City of Moulton. The property is located in the Agricultural Preservation (AP) Zoning District. Portions of the property are in the Zone A and Zone K O.2 present Special Flood Hazard Area (SFHA - floodplain). Owner/Applicant: Steffen Heston & Frances Trust, 952 Burton Cir., Magnolia, DE 19962.

Item Four (4):
ZONING ORDINANCE TEXT AMENDMENT CONSIDERATION
 The Woodbury County Zoning Commission will hold a public hearing to consider potential changes or amendments to Section 4.11: Single-Family Detached Dwellings in the Woodbury County Zoning Ordinance. The purpose of the hearing is to collect information in a review of the dimension size for single-family dwellings not limited to the regulations in Section 4.11.

COL-IA-501037

PROPERTY OWNER(S) NOTIFICATION

Total Property Owners within 1000 FT via Certified Abstractor's Listing:	3					
Notification Letter Date:	November 8, 2024					
Public Hearing Board:	Zoning Commission					
Public Hearing Date:	November 25, 2024					
Phone Inquiries:	0					
Written Inquiries:	0					
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		
The Harlan and Frances Steffe Trust		4155 E. Blue Spruce Lane		Gilbert	AZ 85298	No comments.
Jadin JP Collins and Taylor Collins		2840 140th Street		Moville	IA 51039	No comments.
David Howe		30778 K 49		Hinton	IA 51024	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
CITY OF ANTHON:	No comments.
CONCORD TOWNSHIP:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following proposed minor subdivision proposal for MEC electric and we have, no conflicts. – Casey Meinen, 11/5/24.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request., Jeff Zettel, 11/12/24.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WINNEBAGO TRIBE:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE MEMO BELOW
WOODBURY COUNTY RECORDER:	Anyway he can move the recording certificate to the left? I'm not sure I can get my entire name and Deputy on that line. If he can't, I'll make it work. Thank you – Diane Swoboda Peterson, 11/5/24.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SHERIFF:	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this subdivision. – Neil Stockfleth, 11/5/24.
WOODBURY COUNTY TREASURER:	The 2nd half of property taxes are outstanding in the amount of \$1,084 – Tina Bertrand, 11/5/24.



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. Nagra, P.E.
mnagra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nagra, County Engineer

Date: November 14, 2024

Subject: JW Collins Homestead Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated November 5, 2024.

I am offering the following comments for your consideration.

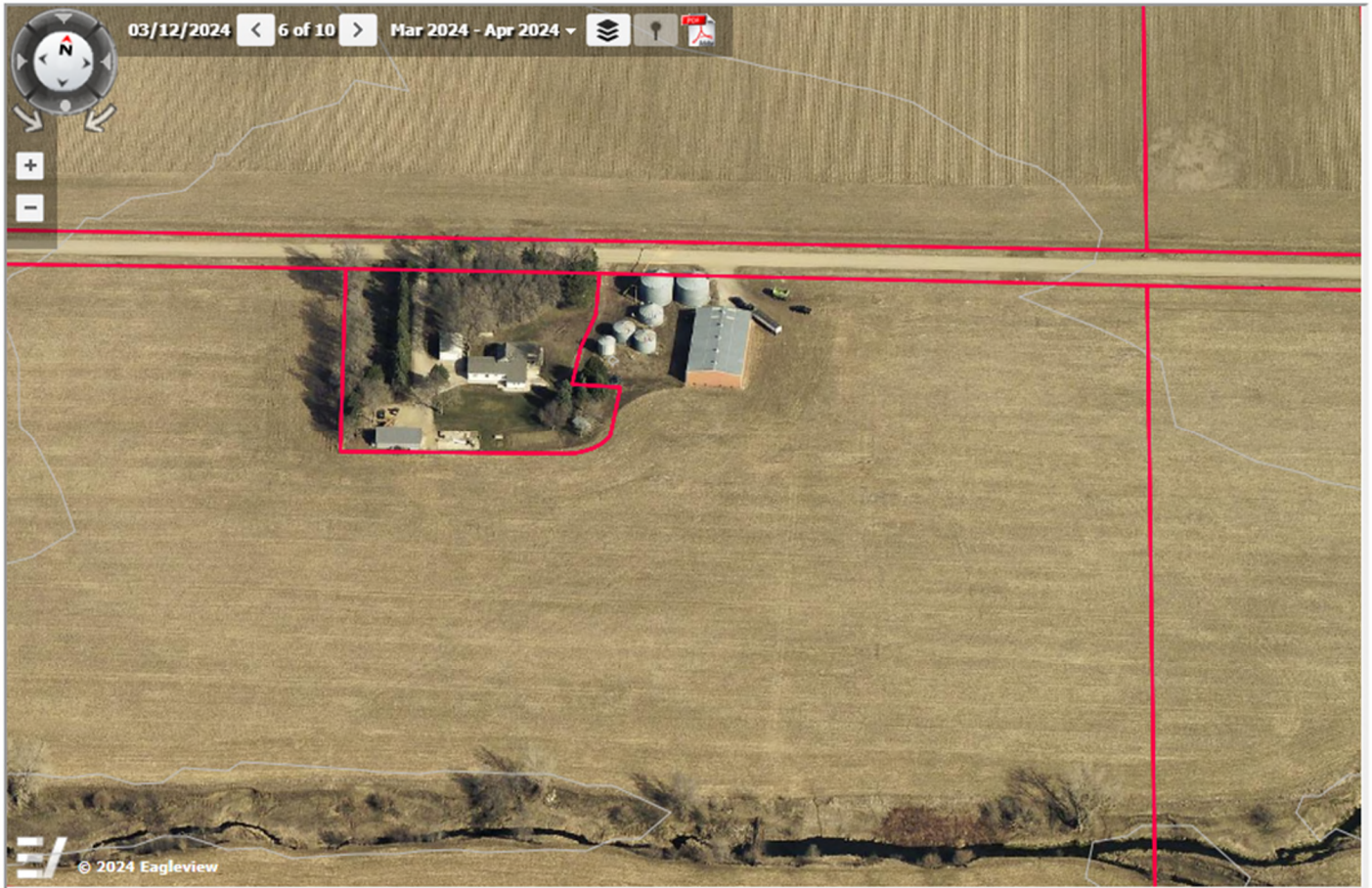
- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. Existing driveways serve each lot. All driveways meet sight distance requirements.
- I have no other concerns or issues with this minor subdivision application.

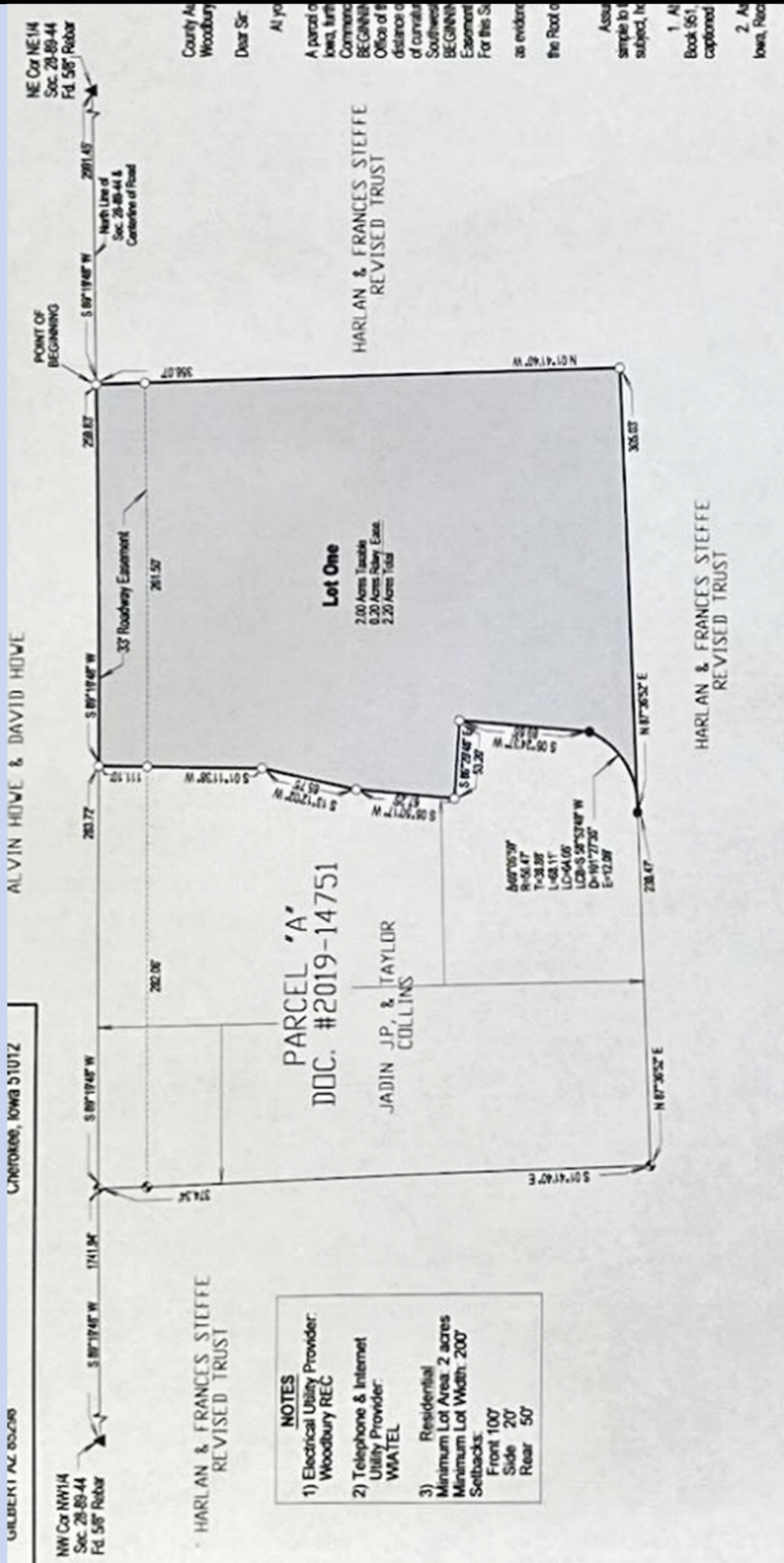
If there are any more questions or issues that arise later, please contact this office.

Cc: File

PICTOMETRY

Pictometry



PLAT MAP EXCERPT

TITLE OPINION

County Auditor and Recorder
Woodbury County, Iowa

Dear Sir:

At your request I have examined the Abstract of Title to:

A parcel of land described as being a part of the Northeast Quarter of the Northwest Quarter of Section 28, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Northeast corner of the NE 1/4 of said Section 28; thence S 89°19'48" W on the North line of said Section 28, a distance of 2991.45 feet to the POINT OF BEGINNING; thence continuing S 89°19'48" W on said North line, a distance of 259.83 feet to the Northeast corner of Parcel "A" (Recorded as Document #2019-14751 in the Office of the Woodbury County Recorder); the following six courses are common to said Parcel "A": thence S 01°11'38" W, a distance of 111.10 feet; thence S 13°12'02" W, a distance of 65.75 feet; thence S 05°50'17" W, a distance of 67.25 feet; thence S 86°29'48" E, a distance of 53.20 feet; thence S 06°24'37" W, a distance of 89.65 feet to the point of curvature of a non-tangent curve, concave to the Northwest, having a radius of 56.47 feet, a central angle of 69°05'59", and a chord of 64.05 feet bearing S 58°53'49" W; thence Southwesterly along said curve, a distance of 68.11 feet; thence N 87°36'52" E, a distance of 305.03 feet; thence N 01°41'40" W, a distance of 358.07 feet to the POINT OF BEGINNING; said described Parcel contains a total of 2.20 Acres, inclusive of a Public Roadway Easement of 0.20 Acres. Said Parcel is subject to a 20-foot wide Ingress/Egress Easement as shown on the Plat and is further subject to any and all other Easements, be they of Record or not.

For this Survey, the North line of said Section 28 is assumed to bear S 89°19'48" W,

as evidenced by Abstract of Title thereto which you have caused to be delivered to me and which consists of one part, commencing with

the Root of Title, and being certified to as complete and accurate to the _____ day of _____, 2024, at 5:00 p.m.

Assuming said Abstract to be complete and accurate, I am of the opinion from my examination of the records thereon referred to that at the last mentioned date title of record in fee simple to the above-described property was in the name of THE HARLAN AND FRANCES STEFFE TRUST, CYNTHIA STEFFE and SUSAN BASCONE, CO-TRUSTEES, all subject, however, to the following defects, qualifications and encumbrances:

1. At Entry No. 52 of the Abstract is a Grant of Easement to Mid-America Pipeline Company, a Delaware Corporation, dated July 5, 1960, and filed of record on July 25, 1960, in Book 951, Page 315 in the Office of Woodbury County, Iowa, Recorder. As noted in the attached map, also shown in the Abstract, this Easement is not located nor affects the captioned real property.

2. As shown in the Abstract, there appears a Plat of Survey dated and filed of record on August 22, 2024, as Document No. 2024-07845 in the Office of the Woodbury County, Iowa, Recorder.

3. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the Abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner even though the owner did nothing to create the conditions and acquired the property without knowing about such conditions.

4. The property is subject to Woodbury County Zoning Ordinances and the Woodbury County Flood Plain Management Ordinance which regulate the use and occupancy of the land under examination and in addition, regulate the subdivision of all land within the unincorporated area of Woodbury County. For additional information, complete copies of the zoning regulations and the Flood Plain Management Ordinance are on file in the Office of the Woodbury County Zoning Administrator, Woodbury County Courthouse, Sioux City, Iowa.

5. Real estate taxes for fiscal year 2023-2024 are shown as paid in full. Parcel No. 894428200001.

6. If the subject premises is served by a private sewer system, it may have to be inspected and found to meet standards prior to a transfer of title. If inspection is required, recording of the documents of conveyance will be denied unless the appropriate certificate is filed or unless a statutory exception applies.

7. The Abstract contains a Mechanics' Notice and Lien Registry maintained by the Iowa Secretary of State for Woodbury County, Iowa, for Notices of Commencement of Work posted, Preliminary Notices posted and/or Mechanic Liens(s) indexed against property described herein and the Abstracter found: NONE. The Abstracter assumes no liability for the errors or omissions on the part of the Mechanics' Notice and Lien Registry.

8. This Title Opinion includes all such matters of record shown in the Abstract which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last Abstract certification by the participating Abstracter.

9. You are also charged with the right of parties in actual possession of said property, of liens for work done or materials furnished within the statutory period, and of bankruptcy proceedings. We made no finding as to claims or rights of parties in military or naval service of the United States not set out in the Abstract, nor does this opinion cover any finding as to defects to the title that may be disclosed by an actual survey.

Respectfully submitted,

_____, 2024.
CE

MICHAEL P. MURPHY
IOWA TITLE GUARANTY NO. 3832

Woodbury County, IA / Sioux City

Summary

Parcel ID 894428100005
Alternate ID
Property Address N/A
Sec/Twp/Rng 28-89-44
Brief ARLINGTON TOWNSHIP NE NW 28-89-44 (EX AN IRREG TCT DESCRIBED AS COM AT NW COR OF NW 1/4 OF SEC 28 THNC E 1741.94 FT TO POB;
Tax Description THNC E 283.72 FT, THNC S 111.10 FT, THNC SW 65.75 FT, THNC SWLY 67.25 FT, THNC ELY 53.20 FT, THNC SW 89.65 FT, THNC SWLY 68.11 FT,
 (Note: Not to be used on legal documents)
Deed Book/Page
Gross Acres 36.84
Net Acres 36.84
Zoning AP - AGRICULTURAL PRESERVATION
District 0049 ARLINGTON/WD-C
School District WOODBURY CENTRAL
Neighborhood N/A

Owner

Deed Holder
[STEFFE HARLAN & FRANCES TRUST](#)
[952 BUXTON CIR](#)
 MAGNOLIA DE 19962
Contract Holder
Mailing Address
 STEFFE HARLAN & FRANCES TRUST
 952 BUXTON CIR
 MAGNOLIA DE 19962

Land

Lot Area 36.84 Acres ;1,604,750 SF

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	MACH SHED	24	60	1950	1
0	Bin - Grain Storage (Bushel)	BIN	0	0	1960	1
0	Bin - Grain Storage (Bushel)	BIN	0	0	1965	1
0	Bin - Grain Storage (Bushel)	BIN	0	0	1966	2
0	Bin - Grain Storage (Bushel)	BIN	0	0	1973	1
0	Bin - Grain Storage (Bushel)	BIN	36	22	1981	1
0	Steel Utility Building	MACHINE SHED	60	100	1981	1

Valuation

	2024	2023	2022	2021	2020
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$102,870	\$102,870	\$79,910	\$79,910	\$74,770
+ Assessed Building Value	\$25,980	\$26,940	\$15,670	\$16,160	\$14,730
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$128,850	\$129,810	\$95,580	\$96,070	\$89,500
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$128,850	\$129,810	\$95,580	\$96,070	\$89,500

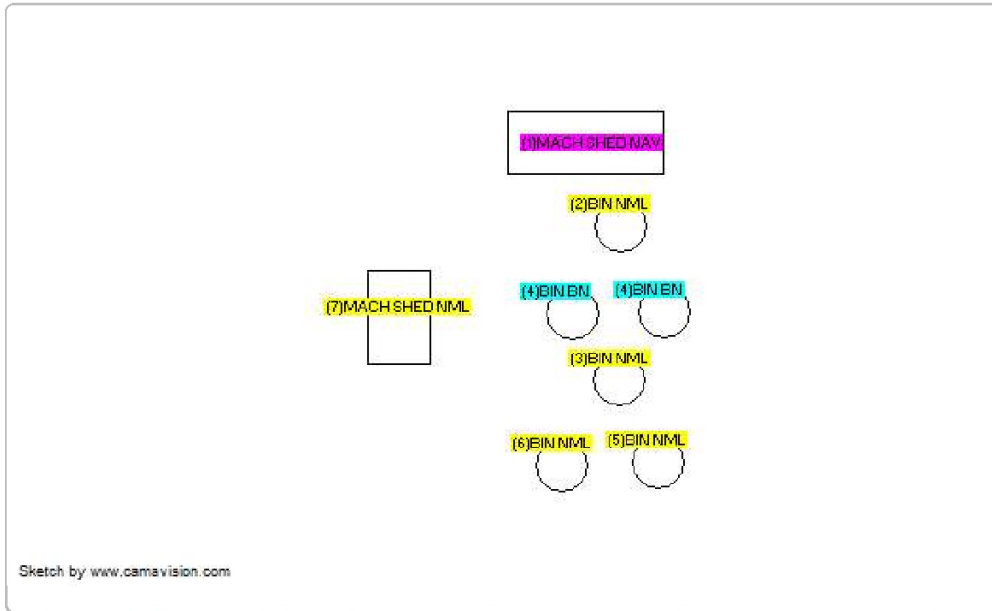
Sioux City Special Assessments and Fees

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

Woodbury County Tax Credit Applications

Apply for Homestead, Military or Business Property Tax Credits

Sketches



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

The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.

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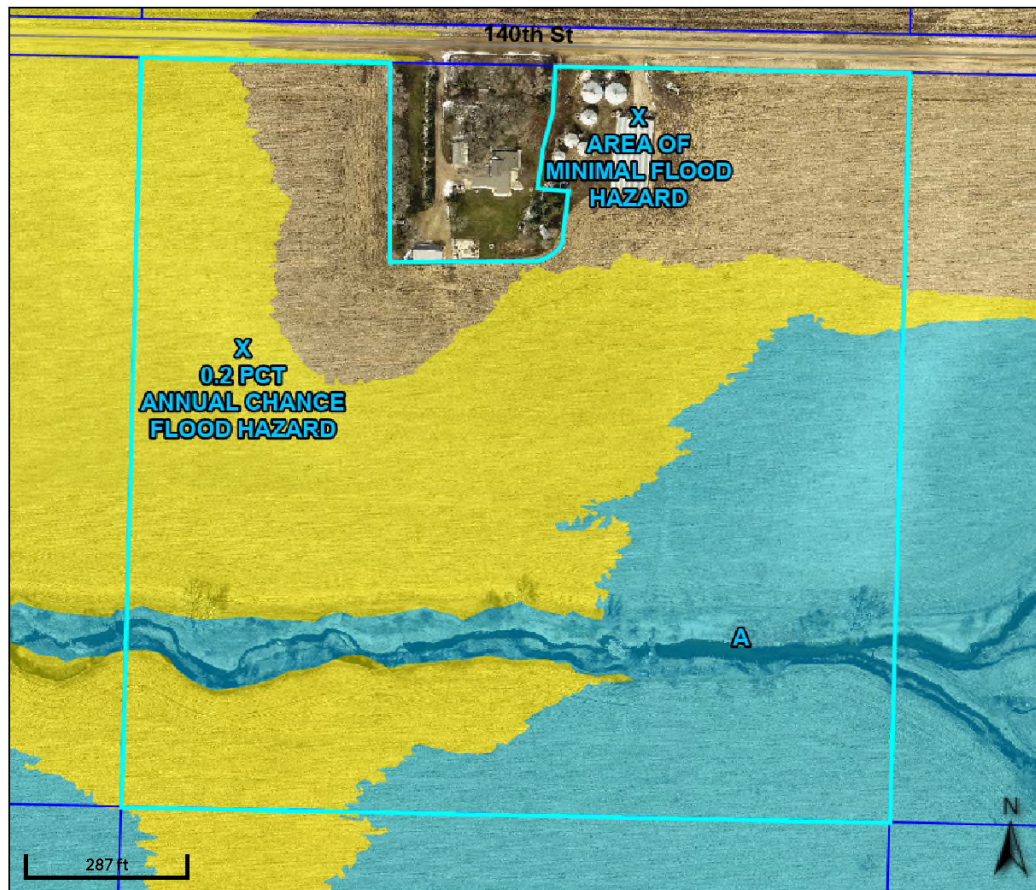
[Contact Us](#)

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 **SCHNEIDER**
GEOSPATIAL

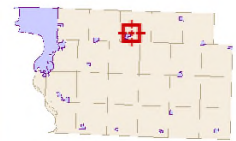
[illegible]

SPECIAL FLOOD HAZARD AREA (SFHA) MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

Parcel ID	894428100005	Alternate ID	n/a	Owner Address	STEFFE HARLAN & FRANCES TRUST
Sec/Twp/Rng	28-89-44	Class	A		952 BUXTON CIR
Property Address		Acreage	36.843		MAGNOLIA, DE 19962
District	0049				
Brief Tax Description	ARLINGTON TOWNSHIP NE NW 28-89-44 (EX AN IRREG TCT DESCRIBED AS COM AT NW COR OF NW 1/4 OF SEC 28 THNC E 1741.94 FT TO POB; THNC E 283.72 FT, THNC S 111.10 FT, THNC SW 65.75 FT, THNC SWLY 67.25 FT, THNC ELY 53.20 FT, THNC SW 89.65 FT, THNC SWLY 68.11 FT, (Note: Not to be used on legal documents)				

Date created: 10/29/2024

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GEOSPATIAL

ELEVATION MAP

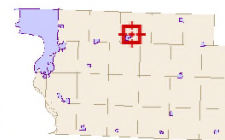




Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

Roads

Soils

- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000

Corp Boundaries

Townships

Parcels

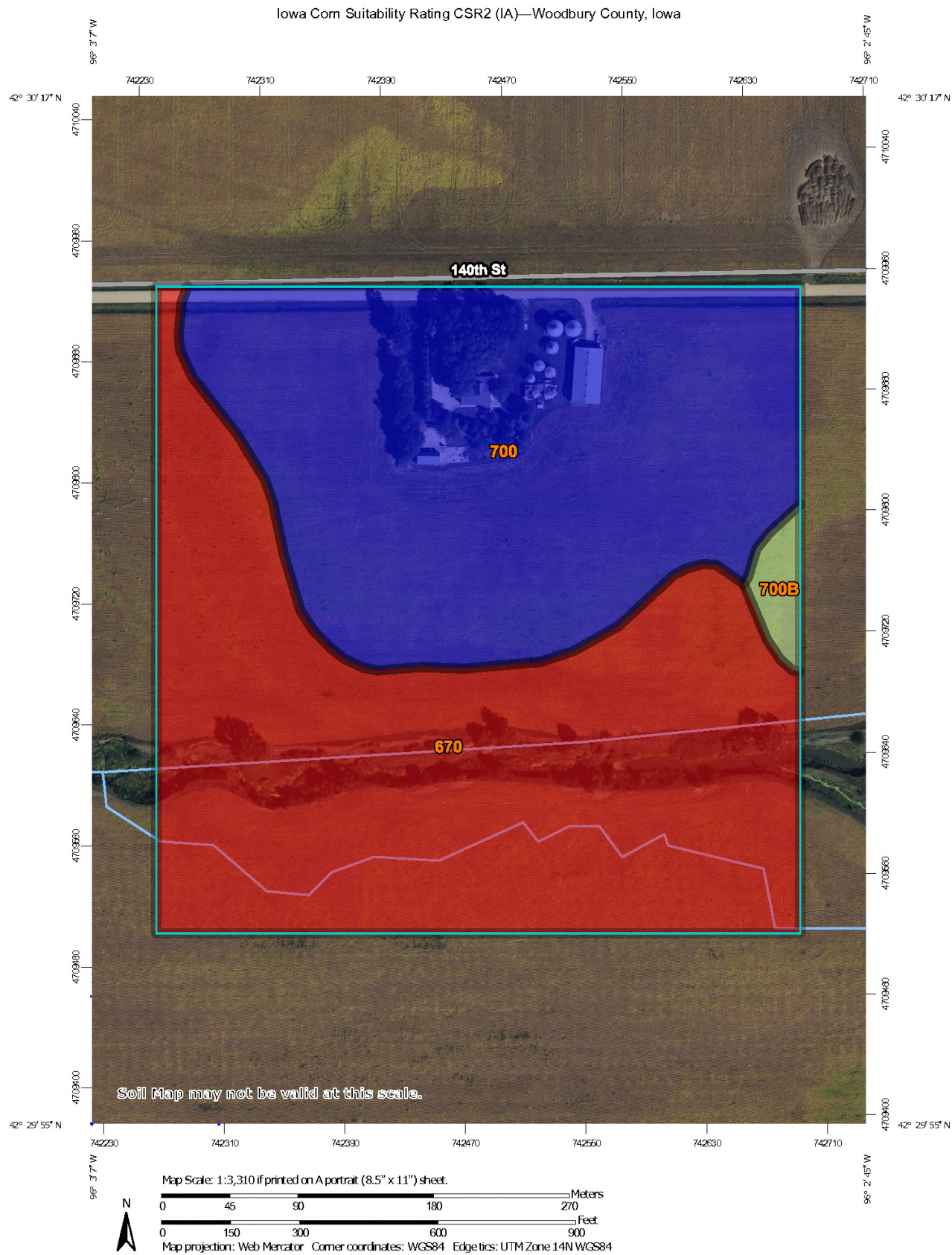
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	(Note: Not to be used on legal documents)				

Date created: 10/29/2024

Last Data Uploaded: 10/28/2024 11:53:01 PM

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SOIL REPORT(S)

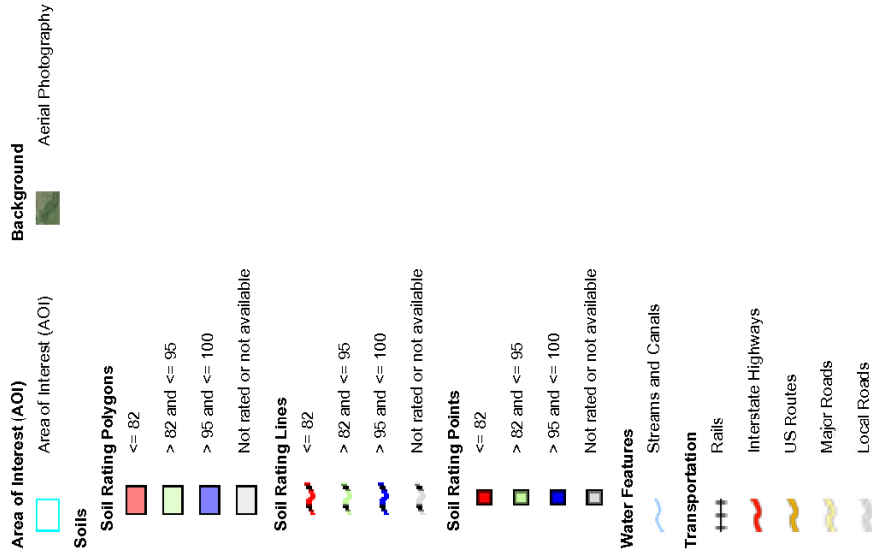


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/29/2024
Page 1 of 4

MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Woodbury County, Iowa
 Survey Area Data: Version 34, Aug 29, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 19, 2022—Sep 20, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Iowa Corn Suitability Rating CSR2 (IA)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
670	Rawles silt loam, 0 to 2 percent slopes, occasionally flooded	82	24.0	53.0%
700	Monona silty clay loam, terrace, 0 to 2 percent slopes	100	20.6	45.5%
700B	Monona silty clay loam, terrace, 2 to 5 percent slopes	95	0.6	1.4%
Totals for Area of Interest			45.3	100.0%

Description

This attribute is only applicable to soils in the state of Iowa. Corn suitability ratings (CSR2) provide a relative ranking of all soils mapped in the State of Iowa according to their potential for the intensive production of row crops. The CSR2 is an index that can be used to rate the potential yield of one soil against that of another over a period of time. Considered in the ratings are average weather conditions and frequency of use of the soil for row crops. Ratings range from 100 for soils that have no physical limitations, occur on minimal slopes, and can be continuously row cropped to as low as 5 for soils that are severely limited for the production of row crops.

When the soils are rated, the following assumptions are made: a) adequate management, b) natural weather conditions (no irrigation), c) artificial drainage where required, d) no frequent flooding on the lower lying soils, and e) no land leveling or terracing. The weighted CSR2 for a given field can be modified by the occurrence of sandy spots, local deposits, rock and gravel outcrops, field boundaries, and noncrossable drainageways. Even though predicted average yields will change with time, the CSR2 values are expected to remain relatively constant in relation to one another over time.

Rating Options

Aggregation Method: No Aggregation Necessary

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

Tie-break Rule: Higher

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

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

Date: 10/31/2024 Weekly Agenda Date: 11/05/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisors Nelson & Bittinger

WORDING FOR AGENDA ITEM:

Give Direction to Planning and Zoning to Review Minimum Dimensions for Single Family Dwellings

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

Under the current county ordinance single family dwellings must be 23ft by 23ft which limits options of landowners and home seekers at a time housing options are limited and expensive.

BACKGROUND:

A landowner in rural Woodbury County is wanting to sell property to a young family member who wants to build a mobile home on the property but is not allowed to under the current ordinance. The mobile home he will purchase would be 1,120 square ft. The minimum square footage threshold required by the current ordinance is 529 square ft, but it does not meet the width requirement of 23 feet.

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:

Pass the motion to give direction to Planning and Zoning

ACTION REQUIRED / PROPOSED MOTION:

Move to Direct the Zoning Commission to review the minimum dimension size for single family dwellings not limited to the regulations in Section 4.11 of the Woodbury County Zoning Ordinance

335.28 Agricultural experiences.

1. For purposes of [this section](#), “*agricultural experience*” includes any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

2. To assist in the promotion of agricultural experiences, a county shall not require a conditional use permit, special use permit, special exception, or variance for agricultural experiences on property of which the primary use is agricultural production.

[2020 Acts, ch 1033, §1](#)

335.29 Reserved.**335.30 Manufactured and modular homes.**

1. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to a permanent foundation system, set-back, and minimum square footage, which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of [this section](#), a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in [this section](#), “*manufactured home*” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. [This section](#) shall not be construed as abrogating a recorded restrictive covenant.

2. A county shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which mandate width standards for a single modular or manufactured home which is sited upon land otherwise zoned as agricultural land. However, [this subsection](#) shall not prohibit a county from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

3. A county shall not require an inspection of a manufactured home that has been inspected according to requirements of the United States department of housing and urban development and constructed in conformance with the federal manufactured home construction and safety standards provided in [24 C.F.R. pt. 3280](#).

[84 Acts, ch 1238, §1](#)

C85, §358A.30

C93, §335.30

[93 Acts, ch 154, §3; 94 Acts, ch 1110, §1; 97 Acts, ch 86, §1; 2001 Acts, ch 153, §16; 2020 Acts, ch 1062, §46; 2021 Acts, ch 80, §220; 2022 Acts, ch 1134, §1](#)

335.30A Land-leased communities.

1. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased

Except as otherwise provided in this section, the height limitations in this Zoning Ordinance shall not apply to water storage facilities, fire towers, cooling towers, ornamental towers and spires, telecommunication towers, antennas, aerials, chimneys, elevator bulkheads, flag poles, wind generators or other necessary mechanical appurtenances, provided that no such structure or appurtenance shall extend into any approach zone, clear zone or other restricted air space required for protection of any airport.

Section 4.09: Corner Visual Clearance.

Nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision of drivers or obscuring visibility of an official control sign.

Section 4.10: Temporary Buildings and Structures.

Temporary buildings, including manufactured/mobile homes, that are used solely for office or storage purposes in conjunction with construction work only, may be permitted in any zoning district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Section 4.11: Single-Family Detached Dwellings.

The following standards shall apply to all single-family detached dwellings:

1. The main body shall have a minimum dimension of not less than 23 feet.
2. There shall be a continuous and complete perimeter foundation of the main body.
3. The main structure shall be permanently affixed to its foundation.
4. Manufactured homes, as defined in section 6.02, if located outside a manufactured/mobile home community, shall comply with the following requirements:
 - A. Classification as real estate and assessment as real property in accordance with the Code of Iowa,
 - B. All hitches, wheels, axles, and any types of other towing devices shall be permanently removed.
 - C. Compliance with the National Manufactured Housing Construction and Safety Standards Act and must have displayed an appropriate certification label issued by the United States Department of Housing and Urban Development, and must not have been altered in violation of applicable codes. If a structure lacks such certification, it must conform to the State Building Code.

Section 4.12: Accessory Buildings

1. For the AP, AE, NR and SR zoning districts, side and rear yard setback requirements for accessory buildings are set forth in section 3.04.
2. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation and a certificate of occupancy shall have been issued for such use.
3. No accessory structure shall be constructed closer to the front lot line than the front edge of the principal structure or two times the required front yard setback, whichever distance is shorter, except that free-standing on-premise advertising signs may be placed within the front yard setback subject to the setback requirements in subsection 5.02-7.

Black Hawk County Mobile Homes

SECTION XXI. REQUIREMENTS FOR LOCATION OF MOBILE HOMES AND MOBILE HOME PARKS

- A. Mobile homes to be used for dwelling purposes shall be placed only in mobile home parks except as may be herewith set forth. A mobile home park may be established in only designated districts provided a permit is secured as set forth herein.
- B.
1. Permit: It shall be unlawful for any person to maintain or operate a mobile home park within the unincorporated areas of Black Hawk County unless such person shall have first obtained a special permit therefore as set forth in the Ordinance.
 2. Application for Permit: Any person desiring to operate a mobile home park shall first file application for approval of site location with the County Zoning Commission. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan, and shall have attached thereto the written consent of seventy-five (75) percent of the property owners within two hundred (200) feet of any part of the premises to be occupied for such use, exclusive of any public street or highway right-of-way.
 3. After consideration of the application, the County Zoning Commission shall submit its recommendations to the Board of Supervisors and said Board shall then grant or deny the application.
 4. After approval of the site has been obtained and before issuance of a permit for construction, the applicant must file with the administrative officer of the County Zoning Commission proof of compliance with all requirements of the Department of Health of the State of Iowa.

Required as proof of such compliances shall include the following:

- a. An approved set of plans showing lot and street layout.
- b. Sewage and disposal systems.
- c. Water supply and distribution system.
- d. Electrical distribution and lighting.

When such approved plans have been submitted to the Administrative Officer, he shall then issue a permit for the construction of such facilities on the approved site.

- C. Mobile Homes Located Other than in Mobile Home Parks
1. A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family of the property owner, is actively engaged in the conduct of agricultural operation of said farm and a "Request for Mobile Home" form is filed with the Zoning Administrator. For the purpose of this section, the immediate family shall be interpreted as father, mother, son, daughter, wife, husband, brother, sister, grandparent or grandchild. The preceding provision is not to be construed to permit two (2) mobile homes on one farm.

2. A special use permit for mobile homes used as temporary living quarters during construction of a principal dwelling may be issued by the Administrative Officer after approval of the County Zoning Commission. The Commission shall determine the expiration date of the permit.
3. A mobile home may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.
4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for commercial, storage, or other uses except for human habitation.

Buchanan Co. Mobile Homes

F. Mobile Homes Located Other than in Mobile Home Parks

1. A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family of the property owner and actively engaged in the conduct of agricultural operation of said farm. The preceding provision is not to be construed to permit two (2) mobile homes on one farm.
2. A special exception permit for mobile homes used as temporary living quarters during construction of a principal dwelling may be issued by the Zoning Administrator.

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3. A mobile home may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.
4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for commercial, storage, or other uses except for human habitation.

Buena Vista C. Mobile Homes

DWELLING: The word "dwelling" shall mean any building or portion thereof, which is designed, or used exclusively for residential purposes but not including a tent, cabin trailer or **mobile home**.

MOBILE HOME: "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

MOBILE HOME PARK: "Mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied **mobile homes** are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such **mobile home** park.

The term "**mobile home** park" shall not be construed to include **mobile homes**, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

MOBILE HOME SPACE: An area within a **mobile home** park, which is designed for and designated as the location for a single **mobile home** and the exclusive use of its occupants.

MODULAR HOME: "Modular home" means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

Chapter 4

"MH" Mobile Home District

SECTION:

- 4.101 Use Regulation
- 4.102 Special Exceptions
- 4.103 Site Development Regulations

4.101 USE REGULATIONS: Within the "MH" Mobile Home District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
- 4) Civic Uses
 - Mobile Home Residential Park and Recreation Services
 - Local Utility Services

4.102 SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "MH" Mobile Home District subject to approval of the Board of Adjustment.

- 1) Residential Uses
 - Single Family Residential
- 2) Civic Uses
 - Religious Assembly
 - Primary Education
 - Facilities Secondary
 - Education Facilities

4.103 SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot area	Minimum lot area, 8,500 square feet <u>with</u> public water and sewer Minimum lot area, 12,000 <u>without</u> public water or sewer Minimum lot area, 20,000 <u>without</u> public water and sewer
Lot width	Minimum lot width, 70 feet
Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 35 feet

2003 CODE OF ORDINANCES, BUENA VISTA COUNTY, IOWA

Zoning – 6.1.4

Front Yard	Minimum required setback, 25 feet
Street Side Yard	Minimum required setback, 25 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 10 feet
Mobile Home Park	In conformance with section 1.0910
Mobile Home Subdivision	Mobile Homes must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Calhoun Co. Mobile Homes

17. Dwelling Standards. The following standards shall apply to all new dwellings for which Zoning Compliance and Building and Use Permits have been issued.
 - A. The dwelling shall be affixed to a permanent foundation system.
 - B. The minimum dimension of the width and of the length of the main body of the dwelling unit in a residential district shall not be less than one thousand (1,000) square feet except in "R-2" District the main body of the dwelling unit shall not be less than six hundred (600) square feet.
 - C. For dwellings in a residential district, the dwelling area of the structure must occupy at least one thousand (1,000) square feet or twenty (20) percent of the principal structure whichever is greater.
1. **Mobile homes** to be used for dwelling purposes shall be placed only in **mobile home** parks except as may be herewith set forth in Section C below.
2. Permit: It shall be unlawful for any person to maintain or operate a **mobile home** park within the unincorporated areas of Calhoun County unless such person shall have first obtained a permit as set forth in the Ordinance.

Dickenson Co. Mobile Homes

9. **Mobile Home Residential:** The residential occupancy of **mobile homes** by families on a weekly or longer basis. Uses only include **mobile home** parks or **mobile home** subdivisions.

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- A) Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.
- B) Home Occupations
- C) Roadside stands for the sale of agricultural produce grown on the premises.
- D) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This includes temporary facilities for asphalt and concrete mixing.
- E) Essential Services
- F) Supplementary Farm Buildings, including one (1) single family dwelling or one (1) **mobile home** if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.

Kossuth County Zoning Ordinance

- 1.24 **Mobile Home Dwelling** – A mobile home dwelling is a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its' own wheels or on flatbed or other trailers and arriving complete and ready for occupancy at the site where it is to be occupied as a dwelling except for minor and incidental unpacking or assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A recreation travel trailer is not to be considered as a mobile home.
- 1.25 **Mobile Home Park** – Any site, or tract of land under single ownership, upon which are located two or more mobile homes used as dwellings, either free of charge or for a fee. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Linn County Mobile Homes

(mm) *Occupancy.* It shall be unlawful to use any **mobile** home, travel trailer, pickup coach, motorized home or vehicle for human occupancy within the unincorporated limits of the county of the, except where located in a **mobile** home park regularly approved according to the provisions of this chapter, or in an area licensed by the state as a **mobile** home park prior to the effective date of the ordinance from which this chapter is derived, and except such **mobile homes** or vehicles may be used for human occupancy in an area authorized by the board of supervisors for recreational or other purposes.

Plymouth County Mobile Homes

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, **windmills** and water storage tanks.

DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, **but not including trailers, mobile homes**, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings all be a **minimum of 23 feet in width with a minimum of 700 square feet** and placed upon a permanent foundation.

MOBILE HOME shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. In addition, mobile homes shall be defined as follows: ♣ A mobile home is factory-built housing built on a chassis. ♣ A mobile shall not be construed to be a travel trailer or other form of recreational vehicle ♣ A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch. Or appurtenances of mobility are removed and regardless of the nature of the foundation provided **Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.**

Polk County Mobile Homes

Division 4. Bulk Standards for Mobile Home Park Mobile Home Standards. This dwelling unit type is distinguished from other single-family unit types in that it is mobile. Also, this type of unit is distinguished from other manufactured homes in that it is located within a subdivision designed specifically for mobile homes called a mobile home park. This type of dwelling unit is permitted only within the Mobile Home Park Zoning District. This district is mapped only through the rezoning process. The following table specifies the minimum standards for a mobile home unit within a Mobile Home Park. These standards apply to both existing mobile home parks and to new mobile home parks. A site plan is required for any new or expansion to a mobile home park. Table 6.8 Without Accessory Building With Accessory Building A = Minimum lot area 4,000 sq. ft. 5,500 sq. ft. B = Maximum building coverage .43 .37 C = Maximum building height 20 ft. 20 ft. Minimum yards D = Front to house 20 ft. 30 ft. E = Front to Accessory -- 20 ft. *F = Side 5/15 ft. 5/15 ft. G = Rear 20 ft. 20 ft. H = Minimum lot width 40 ft. 50 ft. I = Off-street parking spaces 2 spaces per unit 2 spaces per unit J = Accessory to unit or deck -- -- 10 ft. K = Accessory to adjacent unit -- -- 15 ft. L = Accessory to rear -- -- 5 ft. M = Accessory to side -- -- 5 ft

Pottawattamie Mobile Homes

CHAPTER 8.040 MOBILE HOME PARK RESIDENTIAL DISTRICT

- 8.040.010 INTENT: The Class R-6 District is intended and designed to provide for the development of mobile home parks in those areas of the County where it is determined such uses are compatible with existing and indicated future development of the surrounding area. It is also intended that such Mobile Home Park Residential Districts be designed and developed in substantial conformity with the standards of the Land Use Plan and with recognized principals of the civic design, land use planning, and landscape architecture. It is further intended that such Mobile Home Park Residential Districts be designed and developed to promote public health, safety, morals, and general welfare; to reasonably prevent and minimize undue injury to adjoining areas; and to encourage appropriate land use. (Ordinance #81-6/10-01-81)
- 8.040.040 PROJECT SIZE AND DENSITY: The following requirements shall govern the size and density of a Class R-6 District:
- .01 A tract of land considered for a mobile home park shall comprise an area of not less than ten (10) acres of gross development area. (Ordinance #81-6/10-01-81)
 - .02 The maximum density allowed for the gross development area shall be eight (8) mobile home lots per gross acre. (Ordinance #81-6/10-01-81)
- 8.040.050 STANDARDS AND REQUIREMENTS: The following standards and requirements shall govern the design and development of a mobile home park:
- .01 Perimeter yards of a mobile home park which abuts a street shall have a minimum depth of fifty (50) feet; provided however, interior park streets may be located with the setback area. All other perimeter yards shall be a minimum depth of twenty-five (25) feet. Perimeter yard requirements may be increased where the Commission may recommend and the County Board deems necessary. (Ordinance #81-6/10-01-81)
 - .02 A minimum of two hundred fifty (250) square feet for each mobile home lot shall be provided for one (1) or more recreation areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein. (Ordinance #81-6/10-01-81)
 - .03 The minimum area for a mobile home lot shall be forty-five hundred (4,500) square feet. (Ordinance #81-6/10-01-81)
 - .04 The minimum depth for a mobile home lot shall be ninety (90) feet. (Ordinance #81-6/10-01-81)
 - .05 The front yard setback for a mobile home shall be a minimum of fifteen (15) feet measured from the edge of the park street to the closest point of the lower face of the mobile home. Side and rear yard setbacks shall be established and maintained so as to provide a separation at the nearest point between mobile homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet. Nothing in this Ordinance shall prevent the construction of entrance-ways, rooms, breeze-ways, or other integral parts of the existing mobile home. (Ordinance #81-6/10-01-81)

Scott County Mobile Homes

CHAPTER 6 ZONING FOR UNINCORPORATED AREAS

- O. Mobile Homes and Travel Trailers: Mobile Homes are only allowed in approved Mobile Home Parks, established through the provisions in Section 6-25; or under the provisions for legal temporary location outside of an approved Park, as provided for in Section 6-25.H.(15). Travel Trailers are only allowed in approved Travel Trailer Parks, established through the provisions in Section 6-26; as well as on a limited basis in approved Mobile Home Parks, as established through the provisions in Section 6-25. Under no other circumstances is a travel trailer to be used for occupancy or residence purposes when located outside of an approved Mobile Home or Travel Trailer Park unless a temporary mobile home permit has been approved for that particular location.

Winneshiek Co. Mobile Homes

404.30 Dwelling

Any building or portion thereof which is designed or used exclusively for primary residential purposes but not including a tent, cabin, trailer or **mobile home**.

702.8 **Mobile Homes** or Trailers

Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved **mobile home** park with the exception of those occupied by the immediate family or persons involved in the farming operation either full-time or part-time.

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

Date: 6/27/24 Weekly Agenda Date: 7/2/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Keith Radig

WORDING FOR AGENDA ITEM:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

This directs the Zoning Commission to look at the zoning of nuclear energy as a potential energy option in Woodbury County.

BACKGROUND:

The Zoning Commission shall explore the zoning potential of nuclear energy as a potential option.

FINANCIAL IMPACT:

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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 motion.

ACTION REQUIRED / PROPOSED MOTION:

Motion to direct the Zoning Commission to look at the zoning of nuclear energy.

Approved by Board of Supervisors April 5, 2016.

DISCUSSION AND PLANNING PROCESS FOR NUCLEAR ENERGY TO BE CONSIDERED FOR ADDITION TO WOODBURY COUNTY ZONING ORDINANCE (INFORMATION / DISCUSSION ITEM) SUMMARY: The Woodbury County Board of Supervisors at their meeting on July 2, 2024 voted to direct the Zoning Commission to begin the process of exploring nuclear energy as a potential energy option in Woodbury County. This information item is for a discussion on how to proceed with future work sessions and public hearings.

Initial Information about Nuclear

The following is provided for initial informational purposes. The goal is to examine both standard nuclear power plants and small modular reactors as potential energy opportunities in the unincorporated areas in Woodbury County.

Nuclear Power Plant –

- A nuclear power plant is a thermal power station that harnesses energy from nuclear fuel fission. Here's how it works: the heat released during fission boils water, producing steam. This steam drives a turbine connected to a generator, ultimately producing electricity.

Small Modular Reactors (SMR) –

- Type of advanced nuclear reactor designed to be smaller in size and capacity compared to traditional nuclear reactors.
- Characteristics:
 - o Small Size. SMRs have a power capacity of up to 30 MW per unit, which is about one-third of the capacity of conventional nuclear reactors.
 - o Modular Construction. These reactors are designed to be factory-assembled and transported to the site for installation.
 - o Flexibility. SMRs can be deployed in single or multiple modules, making them suitable for a variety of application, including industrial use and remote areas with limited grid capacity.
 - o Safety. Many SMR designs incorporate passive safety features, which rely on natural physical processes rather than active controls to ensure safety.

Articles Links:

- *Nuclear Power Plan Licensing Process*
 - o <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/licensing-process-fs.html>
- *Office of Nuclear Material Safety and Safeguards*
 - o <https://scp.nrc.gov/>
- *Governing Legislation*
 - o www.nrc.gov/about-nrc/governing-laws.html
- *Fact Sheet: Biden-Harris Administration Announces New Steps to Bolster Domestic Nuclear Industry and Advance America's Clean Energy Future*
 - o <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/29/fact-sheet-biden-harris-administration-announces-new-steps-to-bolster-domestic-nuclear-industry-and-advance-americas-clean-energy-future/>
- *Without a plant currently operating in Iowa, does nuclear energy have a future in the state?*
 - o <https://www.weareiowa.com/article/tech/science/climate-change/nuclear-energy-in-iowa-future-developments-midamerican/524-aaed2ac4-7c3b-406a-a84b-c6c356b181ee>
- *Newly Signed Bill Will Boost Nuclear Reactor Deployment in the United States*
 - o <https://www.energy.gov/ne/articles/newly-signed-bill-will-boost-nuclear-reactor-deployment-united-states#:~:text=President%20Biden%20signed%20the%20Fire,t%20seen%20since%20the%201970s.>
- *What is a Nuclear Microreactor?*
 - o <https://www.energy.gov/ne/articles/what-nuclear-microreactor>
- *Micro-reactor Pilot Program*
 - o <https://www.cielson.af.mil/microreactor/>
- *Project PELE Mobile Nuclear Reactor*
 - o https://www.cto.mil/pele_eis/
- *NRC Dockets Construction Permit Application for TerraPower's Natrium Reactor*
 - o <https://www.energy.gov/ne/articles/nrc-dockets-construction-permit-application-terrapowers-natrium-reactor>
- *What is High-Assay Low-Enriched Uranium (HALEU)?*
 - o <https://www.energy.gov/ne/articles/what-high-assay-low-enriched-uranium-haleu>
- *4 Crucial Steps the Biden-Harris Administration is Taking to Secure a Nuclear Fuel Supply Chain*
 - o <https://www.energy.gov/ne/articles/4-crucial-steps-biden-harris-administration-taking-secure-nuclear-fuel-supply-chain>
- *New DOE and NRC Agreement Will Lead to Faster Deployment and Licensing of U.S. Nuclear Technologies*
 - o <https://www.energy.gov/ne/articles/new-doe-and-nrc-agreement-will-lead-faster-deployment-and-licensing-us-nuclear>
- *What are Small Modular Reactors (SMRs)?*
 - o <https://www.iaea.org/newscenter/news/what-are-small-modular-reactors-smrs>
- *Small modular reactors*
 - o <https://www.iaea.org/topics/small-modular-reactors>

Nuclear Energy Discussion

Nuclear energy power plants including their establishment is primarily governed by the United States Nuclear Regulatory Commission (NRC). The NRC has a significant amount of control over the permitting and operation of such plants. Companies who wish to get involved in nuclear must directly work with the NRC through the process of obtaining an “Early site permit (ESP).” An example of this process can be found at the following NRC website:

<https://www.nrc.gov/reactors/new-reactors/large-lwr/esp/north-anna.html>

This website illustrates the process for the North Anna Site that was submitted by Dominion Nuclear North Anna, LLC. It includes application information, a review schedule, a safety evaluation report, a final environmental impact statement, the North Anna Early Site Permit, and contacts. There is also a “combined license process” which includes construction and operation approvals. The applicants must provide detailed plans for the plant’s design, construction, and operation as well as safety measures. It is the duty of the NRC to thoroughly review the submissions. The following website includes a list of combined license applications for new reactors: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col.html>

An example of a combined license can be found at this link for the North Anna, Unit 3 site: <https://www.nrc.gov/reactors/new-reactors/large-lwr/col/north-anna.html>. The application materials include: referenced documents; application information; review schedule; safety evaluations; early site permit; final supplemental environmental impact statement; combined licenses; related application information; and contacts. In the combined license process, the application is reviewed and includes a public participation process, safety and environmental reviews and compliance with the National Environmental Policy Act (NEPA). The NRC also is involved in design certification, construction and operation, and post-license oversight.

It appears at this time that the permitting process for nuclear power plants including modular is a multi-governmental complex process largely governed by the NRC. The Iowa legislature appears to have considered two study bills (House Study Bill 555 and Senate Study Bill 3075) which would designate modular nuclear as an alternative energy production facility in Iowa. For more information, there is a January 25, 2024 article written by Wally Taylor entitled “Iowa Utilities bill includes a good idea – and a lost cause”

<https://www.bleedingheartland.com/2024/01/25/iowa-utilities-board-bill-includes-a-good-idea-and-a-lost-cause/>

Role of the County

Presently, under Section 3.03.3 of the Zoning Ordinance, nuclear energy generation could be administratively interpreted as a utility use that is eligible for conditional use permit consideration by the Zoning Commission and Board of Adjustment in the General Industrial (GI) Zoning District. However, as the same section reads “the table in subsection 3.03.4 may be updated pursuant to the procedure outlined in Section 2.03 from time to time to reflect legislative acceptance or rejection of the interpretations of the zoning director.” (p. 31).

As nuclear and modular nuclear technological systems are evolving, Woodbury County is in a position to legislatively address the county's nuclear policy for clarification. At this time, in terms of county zoning the question is, do the citizens of Woodbury County view nuclear as a viable alternative energy option for the future? If so, are there areas within the county that would be most appropriate for nuclear power generation? Depending on the input from the public stakeholders and the industry, the Woodbury County Zoning Ordinance could potentially be updated to clearly clarify the permitting of future nuclear projects.

Based on the regulations as presented by the NRC and the State of Iowa including the Iowa Utilities Board, the county could choose to add "Nuclear Energy Generation" as a land use in Section 3.03.4 (Land Use Summary Table of Allowed Uses...) under the "Utilities" category as either a "Conditional Use" or a "Principal Allowed Use" in the General Industrial (GI) Zoning District in the Woodbury County Zoning Ordinance. Regardless of either a conditional use or a principal allowed use, the applicants must go through a rigorous permitting process through other levels of government.

It is apparent that nuclear energy is significant, complex, and consequential. As directed by the Board of Supervisors, the work of the Zoning Commission is to examine nuclear energy as an option for zoning. Hence, a Zoning Commission public hearing process can be employed to seek public comments and consider potential recommendations including possibly legislatively adding "nuclear energy generation" formally as an option to the Zoning Ordinance's land use summary table.

Stakeholder Comments:

On July 26, 2024, a letter was sent to over 120 Woodbury County stakeholders ranging from state, city, county and township officials, utilities, and other stakeholder organizations. They were requested to offer their initial thoughts about nuclear energy. As of August 22, 2024, a total of five (5) comments have been received for the record. The letter is available on the subsequent page followed by the comments.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. - Sixth Floor - Sioux City, IA 51101 - Phone: 712.279.6609 - Fax: 712.279.6530 - Web: woodburycountyiowa.gov
Daniel J. Priestley, MPA - Zoning Coordinator - dpriestley@woodburycountyiowa.gov
Dawn Norton - Senior Clerk - dnorton@woodburycountyiowa.gov

July 26, 2024

Dear Woodbury County Stakeholder(s):

The Woodbury County Zoning Commission has been tasked to explore the addition of nuclear energy including modular nuclear facilities as a potential land use to the Woodbury County Zoning Ordinance.

Currently, we are requesting your insights, perspective, and input on this matter. Your participation will play a crucial role in shaping the future zoning regulations pertaining to the potential siting of nuclear energy plants in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

Appropriate Locations / Zoning District Designation(s):

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately sited within the unincorporated areas of Woodbury County?
- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Industrial, Agricultural Preservation, etc.)? See map included.
- Are there any specific considerations or criteria we should prioritize in these areas?

Impact Assessment:

- What potential impacts (economic, environmental, social) do you foresee with the introduction of nuclear energy facilities in our community?

Regulatory Framework:

- Are there any specific regulatory frameworks or best practices from other jurisdictions that you believe we should consider when updating our zoning ordinance to include nuclear energy?

Your perspective is highly valued in helping us make informed decisions that reflect the interests and concerns of all Woodbury County stakeholders involved. We aim to ensure that any changes to our zoning ordinance are comprehensive, inclusive, and aligned with both community needs and regulatory standards.

Please provide your initial feedback by **August 23, 2024 before 10:00 AM**. You can send your response to dpriestley@woodburycountyiowa.gov, Woodbury County Planning and Zoning, 620 Douglas St., Sixth Floor, Sioux City, IA 51101 or call 712-279-6609 to discuss this matter further.

The Woodbury County Zoning Commission is in the introductory stage of this process. There will be an information / discussion agenda item at the next public meeting on **Monday, August 26 at 5:00 PM** at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA, basement meeting area. Subsequently, public hearings and work sessions will be scheduled and announced at a future date.

Thank you in advance for your time and contribution to this important investigation. We look forward to hearing from you.

Respectfully and sincerely,

Daniel J. Priestley, MPA
Zoning Coordinator

Enclosure: Woodbury County Zoning Map

From: Wendi Hess
Sent: Wednesday, August 7, 2024 9:22 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dan: In regards to the 911 Dispatch Center- having this type of facility in our response area would potentially create a need for additional training for our staff members along with participating in regular exercises and training related to potential emergencies at the facility. For us that would become a budgetary item needing to add training funds to our annual budget for overtime, etc related to the additional training activity that would be necessary. I am not sure if there are any specific certifications that would be required by our staff.

Thanks,
Wendi

Wendi Hess
Communications Center Director/Accreditation Manager
Woodbury County Communications
PO Box 447
Sioux City, IA 51102
Office: 712-279-6268
whess@sioux-city.org

Aug 6 2024
Woodbury Co. Planning & Zoning

I Would like To say NO
To Any Nuclear Facilities in
Woodbury County. Nuclear Waste
And Malfunctions can be Catastrophic

Thank You

Jerry Holder
105 D Street
Sergeant Bluff IA 51054



From: Bob Scott
Sent: Monday, July 29, 2024 9:44 AM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

I am all four a nuke plant in the area south of town. I am also for wind energy and solar farms. The construction of a nuclear plant would be a boon to our local economy. Nuclear plants are so highly regulated that we should not have to do much locally.

From: Mark Nahra
Sent: Friday, July 26, 2024 4:11 PM
To: Daniel Priestley
Subject: RE: Comments Requested Nuclear Energy in Woodbury County, Iowa

Follow Up Flag: Follow up
Flag Status: Flagged

Dan,

I gave this some thought, but reserve the opportunity to add to these comments at a later date. See my preliminary thoughts in [red](#).

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

From: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Sent: Friday, July 26, 2024 10:16 AM
To: Daniel Priestley <dpriestley@woodburycountyiowa.gov>
Subject: Comments Requested Nuclear Energy in Woodbury County, Iowa
Importance: High

Dear Woodbury County Stakeholder(s):

The Woodbury County Zoning Commission has been tasked to explore the addition of nuclear energy including modular nuclear technology as a potential land use to the Woodbury County Zoning Ordinance.

Currently, we are requesting your insights, perspective, and input on this matter. Your participation will play a crucial role in shaping the future zoning regulations pertaining to the potential siting of nuclear energy plants in our community. Specifically, we are seeking your comments and recommendations regarding the following aspects:

Appropriate Locations / Zoning District Designation(s):

- Where do you believe nuclear energy facilities, including modular nuclear reactors, could be appropriately sited within the unincorporated areas of Woodbury County? [I think the General industrial zoning areas are the best for these facilities with the exception of allowing such a facility to be located within a city's two mile jurisdictional area. Communities desiring to control their own power generation should be able to expand into the rural area from their current boundaries to their two mile jurisdictional limits. When we lived in Tipton, IA, we lived in a community with its own electric generation capacity. I don't feel the county ordinance should interfere with communities' efforts to be energy self-sufficient.](#)

- Which zoning districts do you think would be most suitable for accommodating nuclear energy facilities (General Industrial, Agricultural Preservation, etc.)? See map included. **General industrial plus portions of districts bordering cities as noted above.**
- Are there any specific considerations or criteria we should prioritize in these areas? **On site security should be a priority to prevent sabotage to nuclear generation plants. I am not sure what this looks like as I sit here today, but feel it should be noted as a consideration in developing site selection standards. Additional concerns may include items like standoff from existing/future housing, distances from water or wastewater treatment facilities, land drainage characteristics, offsets from highways and public properties.**

Impact Assessment:

- What potential impacts (economic, environmental, social) do you foresee with the introduction of nuclear energy facilities in our community? **Less costly, clean energy for county residents and our city dwellers. I don't see a downside to allowing nuclear to develop within the county. I think public perception of the safety of such plants will be a huge issue for entities seeking to develop nuclear power generation.**

Regulatory Framework:

- Are there any specific regulatory frameworks or best practices from other jurisdictions that you believe we should consider when updating our zoning ordinance to include nuclear energy? **Depending upon the size of the reactor and its construction needs, the county should require a Road agreement to assure restoration of county roads damaged by nuclear plant construction. The road agreement for wind generation can, and should be utilized, for nuclear plant construction to assure taxpayers aren't left holding the bag for energy plant construction.**

From: Meinen, Casey (MidAmerican) <Casey.Meinen@midamerican.com>
Sent: Friday, July 26, 2024 10:33 AM
To: Daniel Priestley
Subject: RE: [INTERNET] Comments Requested Nuclear Energy in Woodbury County, Iowa

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

Daniel,

I have forwarded this to company Management for their input.

Have a great weekend.

Casey Meinen
Lead, Electric Distribution Engineering

Casey.meinen@midamerican.com

Phone (712-233-4831)



ORDINANCE NO. _____

WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO INCLUDE THE USE OF NUCLEAR ENERGY FACILITIES AS AN ENERGY OPTION IN WOODBURY COUNTY AND TO ALLOW FOR THE ESTABLISHMENT OF SUCH FACILITIES IN INDUSTRIAL ZONING AREAS AND TO AMEND PORTIONS OF: THE TABLE OF CONTENTS; TO ADD ANEW SECTION ENTITLED SECTION 5.09: NUCLEAR ENERGY FACILITIES CONDITIONAL USE; AND TO INCLUDE THE RENUMBERING OF PAGE NUMBERS.

WHEREAS, WOODBURY COUNTY IS COMMITTED TO SUPPORTING SUSTAINABLE AND RELIABLE ENERGY SOLUTIONS THAT ENSURE LONG-TERM ENVIRONMENTAL AND ECONOMIC BENEFITS FOR ITS RESIDENTS AND BUSINESSES; AND

WHEREAS, NUCLEAR ENERGY IS RECOGNIZED AS A EFFECTIVE METHOD OF PRODUCING BASELOAD ENERGY THAT IS CARBON-FREE AND CAPABLE OF MEETING THE GROWING DEMAND FOR CLEAN ENERGY IN BOTH RESIDENTIAL AND INDUSTRIAL SECTORS; AND

WHEREAS, ADVANCEMENTS IN NUCLEAR TECHNOLOGY, INCLUDING SMALL MODULAR REACTORS (SMRS) AND OTHER INNOVATIVE DESIGNS, PROVIDE A SAFER, MORE EFFICIENT, AND MORE FLEXIBLE OPTION FOR ENERGY GENERATION COMPARED TO TRADITIONAL NUCLEAR PLANTS, MAKING THEM A VIABLE ADDITION TO THE COUNTY'S ENERGY PORTFOLIO; AND

WHEREAS, THE COUNTY ACKNOWLEDGES THE POTENTIAL FOR ECONOMIC GROWTH THROUGH THE DEVELOPMENT OF NUCLEAR ENERGY FACILITIES, INCLUDING JOB CREATION, INCREASED INVESTMENT IN LOCAL INFRASTRUCTURE, AND A BROADENED TAX BASE; AND

WHEREAS, WOODBURY COUNTY SEEKS TO DIVERSIFY ITS ENERGY RESOURCES TO PROMOTE RESILIENCE, ENERGY INDEPENDENCE, AND STABILITY IN ENERGY PRICING FOR ITS RESIDENTS AND INDUSTRIES; AND

WHEREAS, THE SITING OF NUCLEAR ENERGY FACILITIES IN GENERAL INDUSTRIAL ZONING AREAS WILL ALLOW FOR BETTER LAND USE PLANNING BY UTILIZING SPACES ALREADY DESIGNATED FOR LARGE-SCALE INDUSTRIAL OPERATIONS, MINIMIZING POTENTIAL CONFLICTS WITH RESIDENTIAL OR AGRICULTURAL AREAS, AND ENSURING THE AVAILABILITY OF APPROPRIATE INFRASTRUCTURE TO SUPPORT SUCH FACILITIES; AND

WHEREAS, THE COUNTY IS COMMITTED TO ENSURING THAT ANY NUCLEAR ENERGY FACILITIES COMPLY WITH FEDERAL AND STATE SAFETY STANDARDS, AS WELL AS LOCAL REGULATIONS, TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC AND THE ENVIRONMENT; AND

WHEREAS, THE PASSAGE OF THIS ORDINANCE WILL PROVIDE THE FRAMEWORK FOR THE REVIEW AND APPROVAL OF CONDITIONAL USE PERMITS FOR NUCLEAR ENERGY FACILITIES WITHIN INDUSTRIAL ZONES, ENSURING THAT EACH PROJECT IS CONSIDERED ON A CASE-BY-CASE BASIS WITH INPUT FROM THE COMMUNITY, REGULATORY BODIES, AND EXPERTS;

NOW, THEREFORE, BE IT RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS:

SUPPORT FOR NUCLEAR ENERGY: WOODBURY COUNTY AFFIRMS ITS SUPPORT FOR THE DEVELOPMENT OF NUCLEAR ENERGY FACILITIES AS PART OF ITS LONG-TERM ENERGY STRATEGY TO MEET CLEAN ENERGY GOALS AND FOSTER ECONOMIC GROWTH.

DESIGNATION OF GENERAL AND LIMITED INDUSTRIAL ZONES: THE COUNTY APPROVES THE AMENDMENT TO ITS ZONING ORDINANCE TO ALLOW NUCLEAR ENERGY FACILITIES AS A CONDITIONAL USE IN GENERAL AND LIMITED INDUSTRIAL ZONES, ENSURING THAT SUCH FACILITIES ARE APPROPRIATELY LOCATED WITHIN AREAS DESIGNED FOR INDUSTRIAL ACTIVITIES.

CONDITIONAL USE PERMIT PROCESS: THE COUNTY WILL ESTABLISH A TRANSPARENT AND RIGOROUS PROCESS FOR THE EVALUATION OF CONDITIONAL USE PERMITS FOR NUCLEAR ENERGY FACILITIES, WHICH WILL INCLUDE ENVIRONMENTAL ASSESSMENTS, SAFETY REVIEWS, AND PUBLIC HEARINGS TO ADDRESS ANY CONCERNS.

COMMITMENT TO SAFETY AND COMPLIANCE: THE COUNTY WILL ENSURE THAT ALL NUCLEAR ENERGY FACILITIES COMPLY WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS, PARTICULARLY REGARDING SAFETY, ENVIRONMENTAL PROTECTION, AND EMERGENCY PREPAREDNESS.

PUBLIC ENGAGEMENT AND EDUCATION: THE COUNTY WILL WORK TO INFORM AND ENGAGE THE PUBLIC ON THE BENEFITS AND SAFETY MEASURES ASSOCIATED WITH NUCLEAR ENERGY, PROVIDING OPPORTUNITIES FOR COMMUNITY INPUT THROUGHOUT THE PROCESS.

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

Amendment #1:

On page 39: To add the following line-item use language within zoning ordinance Section 3.03.4 *Land Use Summary Table of Allowed Uses in each Zoning District* under the “Utilities” category:

“Nuclear Energy Facilities”. With placement of the letter “C” within the (Limited Industrial), and GI (General Industrial) zoning districts columns on the table related to this line-item use.

On page 104: To add the following definition, “Nuclear Facility” as definition 112 to Article 6. Definitions. Section 6.02: Definitions as “112. Nuclear Energy Facility” includes any facility designed for the generation of electricity or power through nuclear fission or fusion, as well as any associated storage or handling of nuclear materials and waste in compliance with federal and state regulatory requirements.”

Amendment #2:

In the Table of Contents, on page iii: To add “Section 5.09: Nuclear Energy Facilities Conditional Use” under the Article 5, Supplemental Requirements category(PAGE NUMBER).

Amendment #3:

Beginning on page 92, to re-designate or re-number the definitions in Article 6. Definitions. Section 6.02: Definitions 112 through 191. The purpose is to add “Nuclear Energy Facilities” as definition 112 thereby pushing the existing definitions 112 through 191 ahead one position with Article 6. Definitions. Section 6.02 now including definitions 1 through 192.

Beginning on page 82, to amend Article 6. Definitions by moving the start page from page____ to page ____.

Amendment #4:

Beginning on Page 97, to add the following section to be known as “Section 5.09: Nuclear Energy Facilities Conditional Use.”

Section 5.09: Nuclear Energy Facilities Conditional Use

1. **Purpose.** This section is established to regulate the siting, development, and operation of nuclear energy facilities, including but not limited to nuclear power plants and small modular reactors (SMRs), within Woodbury County. The intent is to ensure public health, safety, environmental protection, and compliance with federal and state regulations, while facilitating orderly land use and development.
2. **Definition.** For the purposes of this ordinance, a “Nuclear Energy Facility” includes any facility designed for the generation of electricity or power through nuclear fission or fusion, as well as any associated storage or handling of nuclear materials and waste in compliance with federal and state regulatory requirements.
3. **General Requirements for Conditional Use Permit (CUP) Approval**
 - A. **Compliance with Federal and State Regulations**
 - (1) All nuclear energy facilities must comply with regulations set forth by the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), and the Iowa Department of Natural Resources (IDNR), including but not limited to licensing, environmental impact assessments, waste management, and operational safety.
 - (2) Applicants must provide evidence of approval or pending approval from the NRC, including required licensing documentation for the proposed facility.
 - B. **Environmental Impact**
 - (1) Applicants shall conduct a comprehensive Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) and state-level environmental regulations, demonstrating minimal adverse effects on air and water quality, soil, wildlife habitats, and surrounding land uses.
 - (2) The applicant must submit a mitigation plan outlining how environmental impacts will be managed and minimized, including measures for water usage, waste containment, and radiation control.
 - C. **Safety, Security, and Emergency Response**
 - (1) A detailed Emergency Response Plan must be submitted, reviewed, and approved by Woodbury County’s Emergency Management Department in coordination with state and federal authorities. This plan must address potential radiation leaks, natural disasters, fire, and other hazards.
 - (2) The facility shall include 24/7 security, perimeter fencing, surveillance systems, and controlled access points as required by NRC guidelines for nuclear facilities.
 - (3) The facility operator must provide ongoing safety training for county emergency services personnel and coordinate regular emergency response drills.
 - D. **Nuclear Waste Storage and Transportation**

- (1) The storage and transportation of nuclear materials and waste must be in full compliance with federal standards outlined by the NRC and Department of Transportation (DOT), including regulations regarding the safe handling, containment, and transportation of radioactive materials.
- (2) A long-term waste management plan shall be submitted as part of the CUP application, detailing storage solutions, transportation routes, and potential impacts on local infrastructure and communities.

E. Decommissioning Plan

- (1) A detailed decommissioning plan must be submitted, outlining procedures for safely shutting down the facility at the end of its operational life. The plan shall include financial assurance mechanisms (such as bonds or escrow accounts) to ensure the proper removal of radioactive materials and the restoration of the site to its original condition.

4. Conditions for Approval

- A. The County may impose additional conditions, restrictions, or safeguards to ensure compatibility with surrounding land uses and protect the health, safety, and welfare of the public.
- B. Approval of the CUP may be conditioned upon periodic review by the County to verify ongoing compliance with applicable regulations and conditions of the permit.

5. Revocation of Permit

- A. The conditional use permit may be revoked by the County if the facility is found to be in violation of any applicable federal, state, or local regulation, or if any conditions of approval are not met. The County reserves the right to impose corrective actions or suspend operations as necessary to protect public welfare.

THE WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew Ung, Chairman

Daniel Bittinger II, Vice-Chairman

Mark Nelson

Keith Radig

Jeremy Taylor

Attest:

Patrick Gill, Woodbury County Auditor

Adoption Timeline:

Date of Public Hearing and First Reading _____
Date of Public Hearing and Second Reading _____
Date of Public Hearing and Third Reading _____
Date of Adoption _____
Published/Effective Date _____

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

Date: 8/16/2024

Weekly Agenda Date: 8/27/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisors J. Taylor/M. Nelson

WORDING FOR AGENDA ITEM:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

When something as powerful as eminent domain is used and emplacement of a new carbon pipeline is completed, a key question must be asked: after these new technologies have reaped the benefit of federal tax credits and the subsidiary energy used, what is to become of the land? This something that we have engaged in dozens of times regarding the alternative energies of wind and solar. Woodbury County adopted at our urging an energy resolution and has urged officials to look at new technologies that do not degrade farmland for future generations, respect private property rights, and leave the land in the spirit of stewardship better than we found out.

If the Summit plan to expand carbon pipeline through 300 miles that were abandoned by Navigator's CO2 pipeline maintains IUB commission approval by approvals in South and North Dakota and survives any lawsuit (if parties so file), then it is incumbent upon us to ask a key question: what decommissioning will be required to leave the land as outside companies found it?

While publicly elected officials to include seven other Iowa counties have appropriately focused mainly on setback distances and the use of eminent domain, this approach has an integral and reasonable, "If...then..." measure to protect our land for future generations.

BACKGROUND:

Decommissioning refers to the process of taking a line out of service safely and permanently. We are currently exploring changes to decommissioning with wind energy. Why? Because federal policy can dramatically change the viability of alternative energies. We realize the "shelf life" of such technologies may vacillate with financial viability. Afterwards with solar, wind, and carbon pipeline, there is a dramatic effect on the land with in the amount of concrete, pipe, metal over thousands of acres of land. Last 100 years from now Iowa becomes a spotted terrain of a patchwork not just of corn and soybeans but of once lucrative abandoned energy projects, we must demand a fair process to restore the land to how it was found, a key principle of who we are as a people.

Decommissioning can include leaving piping in place or removal, disconnecting the line from systems and segmenting where necessary, cleaning the line, addressing stability and soil/slope disturbance, contracting or obligating the monitoring responsibility of the decommissioned line. A key consideration in the decommissioning process is to minimize disturbance to farmlands, roadways, wetlands, green spaces, livestock operations, and residences. This would also entail the responsibility for looking after the line by maintaining protection from corrosion, right of way monitoring and maintenance, signage and contact info, maintaining profile and survey information for "call before dig" areas. In some cases a bond or other financial obligation is required as part of a decommissioning process.

The hoped for agenda item asks the Planning and Zoning Director to work collaboratively with P&Z, the BoA, our county attorney's office, and even outside legal counsel that we have already engaged in order to make sure that this process is well-detailed, legal, reasonable, and fair.

While setbacks for safety and eminent domain for private property rights have understandably and in many ways (rightly) dominated the debate, we want to move the discussion to a process wherein we are asked as a county, "If we are to build pipeline through hundreds of miles of farmland, near neighborhoods, under right of way and roads, what do you all require us to do in order to make things right for future generations?" Should a carbon pipeline be implemented, our answer to that will not only be to the major corporations who seek to use the land but will be realized by our children and Iowans for generations to come.

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:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

ACTION REQUIRED / PROPOSED MOTION:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

CHAPTER 479B

HAZARDOUS LIQUID PIPELINES AND STORAGE FACILITIES

Referred to in §6B.42, 306A.3, 474.1, 474.9, 479.1

479B.1	Purpose — authority.	479B.16	Eminent domain.
479B.2	Definitions.	479B.17	Damages.
479B.3	Conditions attending operation.	479B.18	Venue.
479B.4	Application for permit — informational meeting — notice.	479B.19	Orders — enforcement.
479B.5	Petition.	479B.20	Land restoration standards.
479B.6	Hearing — notice.	479B.21	Civil penalty.
479B.7	Objections.	479B.22	Rehearing — judicial review.
479B.8	Examination — testimony.	479B.23	Authorized federal aid.
479B.9	Final order — condition.	479B.24	Cancellation.
479B.10	Costs and fees.	479B.25	Arbitration agreements.
479B.11	Inspection fee.	479B.26	Subsequent pipeline or underground storage facility.
479B.12	Use of funds.	479B.27	Damage agreement.
479B.13	Financial condition of permittee — bond.	479B.28	Negotiated fee.
479B.14	Permits — limitations — sale or transfer — records — extension.	479B.29	Particular damage claims.
479B.15	Entry for land surveys.	479B.30	Determination of construction damages.
		479B.31	Subsequent tiling.
		479B.32	Reversion on nonuse.
		479B.33	Farmland improvements.

479B.1 Purpose — authority.

It is the purpose of the general assembly in enacting this law to grant the utilities board the authority to implement certain controls over hazardous liquid pipelines to protect landowners and tenants from environmental or economic damages which may result from the construction, operation, or maintenance of a hazardous liquid pipeline or underground storage facility within the state, to approve the location and route of hazardous liquid pipelines, and to grant rights of eminent domain where necessary.

95 Acts, ch 192, §28

479B.2 Definitions.

As used in [this chapter](#), unless the context appears otherwise:

1. “Board” means the utilities board.
2. “Hazardous liquid” means crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.
3. “Pipeline” means an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquids.
4. “Pipeline company” means a person engaged in or organized for the purpose of owning, operating, or controlling pipelines for the transportation or transmission of any hazardous liquid or underground storage facilities for the underground storage of any hazardous liquid.
5. “Underground storage” means storage of hazardous liquid in a subsurface stratum or formation of the earth.

95 Acts, ch 192, §29; 2023 Acts, ch 19, §2695, 2696

Referred to in §214A.1

Subsection 1 amended

Subsection 6 stricken

479B.3 Conditions attending operation.

A pipeline company shall not construct, maintain, or operate a pipeline or underground storage facility under, along, over, or across any public or private highways, grounds, waters, or streams of any kind in this state except in accordance with [this chapter](#).

95 Acts, ch 192, §30

479B.4 Application for permit — informational meeting — notice.

1. A pipeline company doing business in this state shall file a verified petition with the board asking for a permit to construct, maintain, and operate a new pipeline along, over, or across the public or private highways, grounds, waters, and streams of any kind in this state. Any pipeline company now owning or operating a pipeline or underground storage facility in this state shall be issued a permit by the board upon supplying the information as provided for in [section 479B.5, subsections 1 through 5](#), and meeting the requirements of [section 479B.13](#).

2. A pipeline company doing business in this state and proposing to store hazardous liquid underground within this state shall file with the board a verified petition asking for a permit to construct, maintain, and operate facilities for the underground storage of hazardous liquid which includes the construction, placement, maintenance, and operation of machinery, appliances, fixtures, wells, pipelines, and stations necessary for the construction, maintenance, and operation of the underground storage facilities.

3. The pipeline company shall hold informational meetings in each county in which real property or property rights will be affected at least thirty days prior to filing the petition for a new pipeline. A member of the board, or a person designated by the board, shall serve as the presiding officer at each meeting and present an agenda for the meeting which shall include a summary of the legal rights of the affected landowners. No formal record of the meeting shall be required. The meeting shall be held at a location reasonably accessible to all persons who may be affected by granting the permit.

4. The pipeline company seeking the permit for a new pipeline shall give notice of the informational meeting to each landowner affected by the proposed project and each person in possession of or residing on the property. For the purposes of the informational meeting, “landowner” means a person listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and “pipeline” means a line transporting a hazardous liquid under pressure in excess of one hundred fifty pounds per square inch and extending a distance of not less than five miles or having a future anticipated extension of an overall distance of five miles.

5. a. The notice shall set forth the following:

- (1) The name of the applicant.
- (2) The applicant’s principal place of business.
- (3) The general description and purpose of the proposed project.
- (4) The general nature of the right-of-way desired.
- (5) A map showing the route or location of the proposed project.
- (6) That the landowner has a right to be present at the meeting and to file objections with the board.

(7) A designation of the time and place of the meeting.

b. The notice shall be served by certified mail with return receipt requested not less than thirty days previous to the time set for the meeting, and shall be published once in a newspaper of general circulation in the county. The publication shall be considered notice to landowners whose residence is not known and to each person in possession of or residing on the property provided a good faith effort to notify can be demonstrated by the pipeline company.

6. A pipeline company seeking rights under [this chapter](#) shall not negotiate or purchase an easement or other interest in land in a county known to be affected by the proposed project prior to the informational meeting.

[95 Acts, ch 192, §31; 2018 Acts, ch 1160, §28; 2019 Acts, ch 24, §68](#)

Referred to in [§479B.15](#)

479B.5 Petition.

A petition for a permit shall state all of the following:

1. The name of the individual, firm, corporation, company, or association applying for the permit.
2. The applicant’s principal office and place of business.
3. A legal description of the route of the proposed pipeline and a map of the route.

4. A general description of the public or private highways, grounds, waters, streams, and private lands of any kind along, over, or across which the proposed pipeline will pass.

5. If permission is sought to construct, maintain, and operate facilities for the underground storage of hazardous liquids the petition shall include the following additional information:

a. A description and a map of the public or private highways, grounds, waters, streams, and private lands of any kind under which the storage is proposed.

b. Maps showing the location of proposed machinery, appliances, fixtures, wells, and stations necessary for the construction, maintenance, and operation of the hazardous liquid storage facilities.

6. The possible use of alternative routes.

7. The relationship of the proposed project to the present and future land use and zoning ordinances.

8. The inconvenience or undue injury which may result to property owners as a result of the proposed project.

9. An affidavit attesting to the fact that informational meetings were held in each county affected by the proposed project and the time and place of each meeting.

[95 Acts, ch 192, §32](#)

Referred to in §479B.4, 479B.14

479B.6 Hearing — notice.

1. After the petition is filed, the board shall fix a date for a hearing and shall publish notice for two consecutive weeks, in a newspaper of general circulation in each county through which the proposed pipeline or hazardous liquid storage facilities will extend.

2. The hearing shall not be less than ten days nor more than thirty days from the date of the last publication of the notice. If the pipeline exceeds five miles in length, the hearing shall be held in the county seat of the county located at the midpoint of the proposed pipeline or the county in which the proposed hazardous liquid storage facility would be located.

[95 Acts, ch 192, §33; 2018 Acts, ch 1041, §127](#)

479B.7 Objections.

1. A person, including a governmental entity, whose rights or interests may be affected by the proposed pipeline or hazardous liquid storage facilities may file written objections.

2. All objections shall be on file with the board not less than five days before the date of hearing on the application. However, the board may permit the filing of the objections later than five days before the hearing, in which event the applicant must be granted a reasonable time to meet the objections.

[95 Acts, ch 192, §34; 2019 Acts, ch 24, §104](#)

479B.8 Examination — testimony.

The board may examine the proposed route of the pipeline and location of the underground storage facility. At the hearing the board shall consider the petition and any objections and may hear testimony to assist the board in making its determination regarding the application.

[95 Acts, ch 192, §35](#)

479B.9 Final order — condition.

The board may grant a permit in whole or in part upon terms, conditions, and restrictions as to location and route as it determines to be just and proper. A permit shall not be granted to a pipeline company unless the board determines that the proposed services will promote the public convenience and necessity.

[95 Acts, ch 192, §36](#)

479B.10 Costs and fees.

The applicant shall pay all costs of the informational meetings, hearing, and necessary preliminary investigation including the cost of publishing notice of hearing, and shall pay the actual unrecovered costs directly attributable to inspections conducted by the board.

95 Acts, ch 192, §37

479B.11 Inspection fee.

1. If the board enters into agreements with the United States department of transportation pursuant to [section 479B.23](#), a pipeline company shall pay an annual fee of fifty cents per mile of pipeline or fraction thereof for each inch of diameter of the pipeline located in the state. The inspection fee shall be paid to the board between January 1 and February 1 for the calendar year.

2. The board shall collect all fees. Failure to pay any fee within thirty days from the due date shall be grounds for revocation of the permit or assessment of civil penalties.

95 Acts, ch 192, §38; 2018 Acts, ch 1041, §127

479B.12 Use of funds.

All moneys received under [this chapter](#), other than civil penalties collected pursuant to [section 479B.21](#), shall be remitted monthly to the treasurer of state and credited to the commerce revolving fund created in [section 546.12](#).

95 Acts, ch 192, §39; 2009 Acts, ch 181, §56; 2023 Acts, ch 19, §2697

Section amended

479B.13 Financial condition of permittee — bond.

Before a permit is granted under [this chapter](#) the applicant must satisfy the board that the applicant has property within this state other than pipelines or underground storage facilities, subject to execution of a value in excess of two hundred fifty thousand dollars, or the applicant must file and maintain with the board a surety bond in the penal sum of two hundred fifty thousand dollars with surety approved by the board, conditioned that the applicant will pay any and all damages legally recovered against it growing out of the construction, maintenance, or operation of its pipeline or underground storage facilities in this state. When the pipeline company deposits with the board security satisfactory to the board as a guaranty for the payment of the damages, or furnishes to the board satisfactory proofs of its solvency and financial ability to pay the damages, the pipeline company is relieved of the provisions requiring bond.

95 Acts, ch 192, §40

Referred to in §479B.4, 479B.14

479B.14 Permits — limitations — sale or transfer — records — extension.

1. The board shall prepare and issue permits. The permit shall show the name and address of the pipeline company to which it is issued and identify the decision and order of the board under which the permit is issued. The permit shall be signed by the chairperson of the board and the official seal of the board shall be affixed to it.

2. The board shall not grant an exclusive right to any pipeline company to construct, maintain, or operate its pipeline along, over, or across any public or private highway, grounds, waters, or streams. The board shall not grant a permit for longer than twenty-five years.

3. A permit shall not be sold until the sale is approved by the board.

4. If a transfer of a permit is made before the construction for which it was issued is completed in whole or in part, the transfer shall not be effective until the pipeline company to which it was issued files with the board a notice in writing stating the date of the transfer and the name and address of the transferee.

5. The board shall keep a record of all permits granted by it, showing when and to whom granted and the location and route of the pipeline or underground storage facility, and if the permit has been transferred, the date and the name and address of the transferee.

6. A pipeline company may petition the board for an extension of a permit granted

under [this section](#) by filing a petition containing the information required by [section 479B.5, subsections 1 through 5](#), and meeting the requirements of [section 479B.13](#).

[95 Acts, ch 192, §41; 2019 Acts, ch 24, §104](#)

479B.15 Entry for land surveys.

After the informational meeting or after the filing of a petition if no informational meeting is required, a pipeline company may enter upon private land for the purpose of surveying and examining the land to determine direction or depth of pipelines by giving ten days' written notice by restricted certified mail to the landowner as defined in [section 479B.4](#) and to any person residing on or in possession of the land. The entry for land surveys shall not be deemed a trespass and may be aided by injunction. The pipeline company shall pay the actual damages caused by the entry, survey, and examination.

[95 Acts, ch 192, §42](#)

479B.16 Eminent domain.

1. A pipeline company granted a pipeline permit shall be vested with the right of eminent domain, to the extent necessary and as prescribed and approved by the board, not exceeding seventy-five feet in width for right-of-way and not exceeding one acre in any one location in addition to right-of-way for the location of pumps, pressure apparatus, or other stations or equipment necessary to the proper operation of its pipeline. The board may grant additional eminent domain rights where the pipeline company has presented sufficient evidence to adequately demonstrate that a greater area is required for the proper construction, operation, and maintenance of the pipeline or for the location of pumps, pressure apparatus, or other stations or equipment necessary to the proper operation of its pipeline.

2. A pipeline company granted a permit for underground storage of hazardous liquid shall be vested with the right of eminent domain to the extent necessary and as prescribed and approved by the board in order to appropriate for its use for the underground storage of hazardous liquid any subsurface stratum or formation in any land which the board shall have found to be suitable and in the public interest for the underground storage of hazardous liquid, and may appropriate other interests in property, as may be required adequately to examine, prepare, maintain, and operate the underground storage facilities.

3. [This chapter](#) does not authorize the construction of a pipeline longitudinally on, over, or under any railroad right-of-way or public highway, or at other than an approximate right angle to a railroad track or public highway without the consent of the railroad company, the state department of transportation, or the county board of supervisors, and [this chapter](#) does not authorize or give the right of condemnation or eminent domain for such purposes.

[95 Acts, ch 192, §43; 2018 Acts, ch 1041, §127](#)

479B.17 Damages.

A pipeline company operating a pipeline or an underground storage facility shall have reasonable access to the pipeline or underground storage facility for the purpose of constructing, operating, maintaining, or locating pipes, pumps, pressure apparatus, or other stations, wells, devices, or equipment used in or upon the pipeline or underground storage facility. A pipeline company shall pay the owner of the land for the right of entry and the owner of crops for all damages caused by entering, using, or occupying the lands and shall pay to the owner all damages caused by the completion of construction of the pipeline due to wash or erosion of the soil at or along the location of the pipeline and due to the settling of the soil along and above the pipeline. However, [this section](#) does not prevent the execution of an agreement between the pipeline company and the owner of the land or crops with reference to the use of the land.

[95 Acts, ch 192, §44, 62](#)

479B.18 Venue.

In all cases arising under [this chapter](#), the district court of any county in which property of a pipeline company is located has jurisdiction of a case involving the pipeline company.

[95 Acts, ch 192, §45](#)

479B.19 Orders — enforcement.

If the pipeline company fails to obey an order within the period of time determined by the board, the board may commence an equitable action in the district court of the county where the pipeline, device, apparatus, equipment, or underground storage facility is located to compel compliance with its order. If, after trial, the court finds that the order is reasonable, equitable, and just, the court shall decree a mandatory injunction compelling obedience to and compliance with the order and may grant other relief as may be just and proper. Appeal from the decree may be taken in the same manner as in other actions.

95 Acts, ch 192, §46

479B.20 Land restoration standards.

1. The board, pursuant to [chapter 17A](#), shall adopt rules establishing standards for the restoration of agricultural lands during and after pipeline or underground storage facility construction. In addition to the requirements of [section 17A.4](#), the board shall distribute copies of the notice of intended action and opportunity for oral presentations to each county board of supervisors. Any county board of supervisors may, under the provisions of [chapter 17A](#), and subsequent to the rulemaking proceedings, petition under those provisions for additional rulemaking to establish standards for land restoration after pipeline construction within that county. Upon the request of the petitioning county, the board shall schedule a hearing to consider the merits of the petition. Rules adopted under [this section](#) shall not apply to land located within city boundaries unless the land is used for agricultural purposes. Rules adopted under [this section](#) shall address, but are not limited to, all of the following subject matters:

- a. Topsoil separation and replacement.
- b. Temporary and permanent repair to drain tile.
- c. Removal of rocks and debris from the right-of-way.
- d. Restoration of areas of soil compaction.
- e. Restoration of terraces, waterways, and other erosion control structures.
- f. Revegetation of untilled land.
- g. Future installation of drain tile or soil conservation structures.
- h. Restoration of land slope and contour.
- i. Restoration of areas used for field entrances and temporary roads.
- j. Construction in wet conditions.
- k. Designation of a pipeline company point of contact for landowner inquiries or claims.

2. The county board of supervisors shall cause an on-site inspection for compliance with the standards adopted under [this section](#) to be performed at any pipeline construction project in the county. A licensed professional engineer familiar with the standards adopted under [this section](#) and registered under [chapter 542B](#) shall be responsible for the inspection. A county board of supervisors may contract for the services of a licensed professional engineer for the purposes of the inspection. The reasonable costs of the inspection shall be paid by the pipeline company.

3. If the inspector determines that there has been a violation of the standards adopted under [this section](#), of the land restoration plan, or of an independent agreement on land restoration or line location executed in accordance with [subsection 10](#), the inspector shall give oral notice, followed by written notice, to the pipeline company and the contractor operating for the pipeline company and order corrective action to be taken in compliance with the standards. The costs of the corrective action shall be borne by the contractor operating for the pipeline company.

4. An inspector shall adequately inspect underground improvements altered during construction of the pipeline. An inspection shall be conducted at the time of the replacement or repair of the underground improvements. An inspector shall be present on the site at all times at each phase and separate activity of the opening of the trench, the restoration of underground improvements, and backfilling. The pipeline company and its contractor shall keep an inspector continually informed of the work schedule and any schedule changes. If proper notice is given, construction shall not be delayed due to an inspector's failure to be present on the site.

5. If the pipeline company or its contractor does not comply with the requirements of [this section](#), with the land restoration plan or line location, or with an independent agreement on land restoration executed in accordance with [subsection 10](#), the county board of supervisors may petition the board for an order requiring corrective action to be taken. In addition, the county board of supervisors may file a complaint with the board seeking imposition of civil penalties under [section 479B.21](#).

6. The pipeline company shall allow landowners and the inspector to view the proposed center line of the pipeline prior to commencing trenching operations to ensure that construction takes place in its proper location.

7. An inspector may temporarily halt the construction if the construction is not in compliance with [this chapter](#) and the standards adopted pursuant to [this chapter](#), the land restoration plan, or the terms of an independent agreement with the pipeline company regarding land restoration or line location executed in accordance with [subsection 10](#), until the inspector consults with the supervisory personnel of the pipeline company.

8. The board shall instruct inspectors appointed by the board of supervisors regarding the content of the statutes and rules and the inspectors' responsibility to require construction conforming with the standards provided by [this chapter](#).

9. Petitioners for a permit for pipeline construction shall file with the petition a written land restoration plan showing how the requirements of [this section](#), and of rules adopted pursuant to [this section](#), will be met. The company shall provide copies of the plan to all landowners of property that will be disturbed by the construction.

10. [This section](#) does not preclude the application of provisions for protecting or restoring property that are different than those prescribed in [this section](#), in rules adopted under [this section](#), or in the land restoration plan, if the alternative provisions are contained in agreements independently executed by the pipeline company and the landowner, and if the alternative provisions are not inconsistent with state law or with rules adopted by the board. Independent agreements on land restoration or line location between the landowner and pipeline company shall be in writing and a copy provided to the county inspector.

11. For the purposes of [this section](#), "construction" includes the removal of a previously constructed pipeline.

12. The requirements of [this section](#) shall apply only to pipeline construction projects commenced on or after June 1, 1999.

[95 Acts, ch 192, §47; 99 Acts, ch 85, §7, 11](#)

479B.21 Civil penalty.

1. A person who violates [this chapter](#) or any rule or order issued pursuant to [this chapter](#) shall be subject to a civil penalty levied by the board in an amount not to exceed one thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations. Civil penalties collected pursuant to [this section](#) shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the department of health and human services for purposes of the low income home energy assistance program and the weatherization assistance program.

2. A civil penalty may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the pipeline company charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the state to the person charged, or may be recovered in a civil action.

[95 Acts, ch 192, §48; 2017 Acts, ch 169, §46, 49; 2018 Acts, ch 1160, §29; 2023 Acts, ch 19, §1180](#)

Referred to in [§479B.12](#), [479B.20](#)
Subsection 1 amended

479B.22 Rehearing — judicial review.

Rehearing procedure for any person aggrieved by actions of the board under [this chapter](#) shall be as provided in [section 476.12](#). Judicial review may be sought in accordance with the terms of [chapter 17A](#).

[95 Acts, ch 192, §49](#)

479B.23 Authorized federal aid.

The board may enter into agreements with and receive moneys from the United States department of transportation for the inspection of pipelines to determine compliance with applicable standards of pipeline safety, and for enforcement of the applicable standards of pipeline safety as provided by 49 U.S.C. §60101 et seq.

[95 Acts, ch 192, §50](#)

Referred to in [§479B.11](#)

479B.24 Cancellation.

A pipeline company seeking to acquire an easement or other property interest for the construction, maintenance, or operation of a pipeline or underground storage facility shall do all of the following:

1. Allow the landowner or a person serving in a fiduciary capacity on the landowner's behalf to cancel an agreement granting an easement or other interest by restricted certified mail to the pipeline company's principal place of business if received by the pipeline company within seven days, excluding Saturday and Sunday, of the date of the agreement and inform the landowner or the fiduciary in writing of the right to cancel prior to the signing of the agreement by the landowner or the fiduciary.
2. Provide the landowner or a person serving in a fiduciary capacity in the landowner's behalf with a form in duplicate for the notice of cancellation.
3. Not record an agreement until after the period for cancellation has expired.
4. Not include in the agreement a waiver of the right to cancel in accordance with [this section](#). The landowner or a person serving in a fiduciary capacity in the landowner's behalf may exercise the right of cancellation only once for each pipeline project.

[95 Acts, ch 192, §51](#)

479B.25 Arbitration agreements.

1. If an easement or other written agreement between a landowner and a pipeline company provides for the determination through arbitration of the amount of monetary damages sustained by a landowner and caused by the construction, maintenance, or repair of a pipeline or underground storage facility, and if either party has not appointed its arbitrator or agreed to an arbitrator under the agreement within thirty days after the other party has invoked the arbitration provisions of the agreement by written notice to the other party by restricted certified mail, the landowner or the pipeline company may petition a magistrate in the county where the real property is located for the appointment of an arbitrator to serve in the stead of the arbitrator who would have been appointed or agreed to by the other party. Before filing the petition the landowner or pipeline company shall give notice of the petitioning of the magistrate by restricted certified mail to the other party and file proof of mailing with the petition.

2. If after hearing, the magistrate finds that the landowner or pipeline company has not been diligent in appointing or reasonable in agreeing to an arbitrator, the magistrate shall appoint an impartial arbitrator who shall have all of the powers and duties of an arbitrator appointed or agreed to by the other party under the agreement.

3. For purposes of [this section](#) only, "landowner" means the person who signed the easement or other written agreement, or the person's heirs, successors, and assigns.

[95 Acts, ch 192, §52, 62; 2018 Acts, ch 1041, §127](#)

479B.26 Subsequent pipeline or underground storage facility.

1. A pipeline company shall not construct a subsequent pipeline or underground storage facility upon its existing easement when a damage claim from the installation of its previous

pipeline on that easement has not been resolved unless that claim is under litigation or arbitration, or is the subject of a proceeding pursuant to [section 479B.30](#).

2. With the exception of claims for damage to drain tile and future crop deficiency, for [this section](#) to apply, landowners and tenants must submit their claims in writing for damages caused by construction of the pipeline or underground storage facility within one year of final cleanup on the real property by the pipeline company.

95 Acts, ch 192, §53; 2018 Acts, ch 1041, §127

479B.27 Damage agreement.

A pipeline company shall not construct a pipeline or underground storage facility until a written statement is on file with the board as to how damages resulting from the construction of the pipeline shall be determined and paid, except in cases of eminent domain. The pipeline company shall provide a copy of the statement to the landowner.

95 Acts, ch 192, §54

479B.28 Negotiated fee.

In lieu of a one-time lump sum payment for an easement or other property interest allowing a pipeline to cross property or allowing underground storage of hazardous liquids, a landowner and the pipeline company may negotiate an annual fee, to be paid over a fixed number of years. Unless the easement provides otherwise, the annual fee shall run with the land and shall be payable to the owner of record.

95 Acts, ch 192, §55

479B.29 Particular damage claims.

1. Compensable losses shall include, but are not limited to, all of the following:

a. Loss or reduced yield of crops or forage on the pipeline right-of-way, whether caused directly by construction or from disturbance of usual farm operations.

b. Loss or reduced yield of crops or yield from land near the pipeline right-of-way resulting from lack of timely access to the land or other disturbance of usual farm operations, including interference with irrigation.

c. Fertilizer, lime, or organic material applied by the landowner to restore land disturbed by construction to full productivity.

d. Loss of or damage to trees of commercial or other value that occurs at the time of construction, restoration, or at the time of any subsequent work by the pipeline company.

e. The cost of or losses in moving or relocating livestock, and the loss of gain by or the death or injury of livestock caused by the interruption or relocation of normal feeding.

f. Erosion on lands attributable to pipeline construction.

g. Damage to farm equipment caused by striking a pipeline, debris, or other material reasonably associated with pipeline construction while engaged in normal farming operations as defined in [section 480.1](#).

2. A claim for damage for future crop deficiency within the easement strip shall not be precluded from renegotiation under [section 6B.52](#) on the grounds that it was apparent at the time of settlement unless the settlement expressly releases the pipeline company from claims for damage to the productivity of the soil. The landowner shall notify the pipeline company in writing fourteen days prior to harvest in each year to assess crop deficiency.

95 Acts, ch 192, §56, 62; 99 Acts, ch 85, §8, 11

479B.30 Determination of construction damages.

1. The county board of supervisors shall determine when construction of a pipeline or underground storage facility has been completed in that county for the purposes of [this section](#). Not less than ninety days after the completion of construction and if an agreement cannot be made as to damages, a landowner whose land was affected by the construction of the pipeline or underground storage facility or the pipeline company may file with the board of supervisors a petition asking that a compensation commission determine the damages arising from construction of the pipeline.

2. If the board of supervisors by resolution approves the petition, the landowner or

pipeline company shall commence the proceeding by filing an application with the chief judge of the judicial district for the county for the appointment of a compensation commission as provided in [section 6B.4](#). The application shall contain all of the following information:

a. The name and address of the applicant and a description of the land on which the damage is claimed to have occurred.

b. A description of the nature of the damage claimed to have occurred and the amount of the damage claimed.

c. The name and address of the pipeline company claimed to have caused the damage or the name and address of the affected landowner.

3. a. After the commissioners have been appointed, the applicant shall serve notice on the pipeline company or the landowner stating all of the following:

(1) That a compensation commission has been appointed to determine the damages caused by the construction of the pipeline or underground storage facility.

(2) The name and address of the applicant and a description of the land on which the damage is claimed to have occurred.

(3) The date, time, and place when the commissioners will view the premises and proceed to appraise the damages and that the pipeline company or landowner may appear before the commissioners.

b. If more than one landowner petitions the county board of supervisors, the application to the chief judge, notice to the pipeline company, and appraisal of damages shall be consolidated into one application, notice, and appraisal. The county attorney may assist in coordinating the consolidated application and notice, but does not become an attorney for the landowners by doing so.

4. The commissioners shall view the land at the time provided in the notice and assess the damages sustained by the landowner by reason of the construction of the pipeline or underground storage facility and they shall file their report with the sheriff. The appraisal of damages returned by the commissioners is final unless appealed. After the appraisal of damages has been delivered to the sheriff by the compensation commission, the sheriff shall give written notice by ordinary mail to the pipeline company and the landowner of the date the appraisal of damages was made, the amount of the appraisal, and that any interested party may appeal to the district court within thirty days of the date of mailing. The sheriff shall endorse the date of mailing of notice on the original appraisal of damages. At the time of appeal, the appealing party shall give written notice to the adverse party or the party's attorney and the sheriff.

5. [Chapter 6B](#) applies to [this section](#) to the extent it is applicable and consistent with [this section](#).

6. The pipeline company shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs incurred by the landowner as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the pipeline company prior to the determination of damages. The pipeline company shall file with the sheriff an affidavit setting forth the most recent offer made to the landowner. Commissioners shall receive a per diem of fifty dollars and actual and necessary expenses incurred in the performance of their official duties. The pipeline company shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial of the appeal the same or a lesser amount of damages is awarded than was allowed by the commission from which the appeal was taken.

7. As used in [this section](#), "damages" means compensation for damages to the land, crops, and other personal property caused by the construction of a pipeline and its attendant structures or underground storage facility but does not include compensation for a property interest, and "landowner" includes a farm tenant.

8. The provisions of [this section](#) do not apply if the easement provides for any other means of negotiation or arbitration.

[95 Acts, ch 192, §57, 62; 2000 Acts, ch 1179, §28, 30; 2011 Acts, ch 25, §143; 2018 Acts, ch 1160, §30](#)

Referred to in [§479B.26](#)

479B.31 Subsequent tiling.

All additional costs of new tile construction caused by an existing pipeline or underground storage facility shall be paid by the pipeline company. To receive compensation under [this section](#), the landowner or agent of the landowner shall either present an invoice specifying the additional costs caused by the presence of the pipeline which is accompanied by a written verification of the additional costs by the county engineer or soil and water conservation district conservationist or reach an agreement with the pipeline company on the project design and share of the cost to be paid by the pipeline company during the planning of the tiling project.

[95 Acts, ch 192, §58, 62](#)

Referred to in [§479B.32](#)

479B.32 Reversion on nonuse.

1. If a pipeline right-of-way, or any part of the pipeline right-of-way, is wholly abandoned for pipeline purposes by the relocation of the pipeline, is not used or operated for a period of five consecutive years, or if the construction of the pipeline has been commenced and work has ceased and has not in good faith resumed for five years, the right-of-way may revert as provided in [this section](#) to the person who, at the time of the abandonment or nonuse, is the owner of the tract from which such right-of-way was taken. For purposes of [this section](#), a pipeline or a pipeline right-of-way is not considered abandoned or unused if it is transporting product or is being actively maintained with reasonable anticipation of a future use.

2. To effect a reversion on nonuse of right-of-way, the owner or holder of purported fee title to such real estate shall serve notice upon the owner of such right-of-way easement and, if filed of record, successors in interest and upon any party in possession of the real estate. The written notice shall accurately describe the real estate and easement in question, set out the facts concerning ownership of the fee, ownership of the right-of-way easement, and the period of abandonment or nonuse, and notify the parties that such reversion shall be complete and final, and that the easement or other right shall be forfeited, unless the parties shall, within one hundred twenty days after the completed service of notice, file an affidavit with the county recorder of the county in which the real estate is located disputing the facts contained in the notice.

3. The notice shall be served in the same manner as an original notice under the Iowa rules of civil procedure, except that when notice is served by publication an affidavit shall not be required before publication. If an affidavit disputing the facts contained in the notice is not filed within one hundred twenty days, the party serving the notice may file for record in the office of the county recorder a copy of the notice with proofs of service attached and endorsed, and when so recorded, the record shall be constructive notice to all persons of the abandonment, reversion, and forfeiture of such right-of-way.

4. Upon reversion of the easement, the landowner may require the pipeline company to remove any pipe or pipeline facility remaining on the property. Provisions of [this chapter](#) relating to damages shall apply when the pipeline is removed.

5. Unless otherwise agreed to in writing by the landowner and the pipeline company, if a pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed from the right-of-way, the pipeline company shall remain subject to [section 479B.33](#), shall remain responsible for the additional costs of subsequent tiling as provided for in [section 479B.31](#), shall mark the location of the line in response to a notice of proposed excavation in accordance with [chapter 480](#), and shall remain subject to the damage provisions of [this chapter](#) in the event access to or excavation relating to the pipe is required. The landowner shall provide reasonable access to the pipeline in order to carry out the responsibilities of [this subsection](#).

[99 Acts, ch 85, §9, 11; 2000 Acts, ch 1139, §5](#)

Service of original notice, [R.C.P. 1.302 – 1.315](#)

479B.33 Farmland improvements.

A landowner or contractor may require a representative of the pipeline company to be present on site, at no charge to the landowner, at all times during each phase and separate

activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of [this section](#) are waived in relation to the farmland improvement which would have otherwise made the requirements of [this section](#) applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

[2000 Acts, ch 1139, §6](#)

Referred to in [§479B.32](#)



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

9/15/2023

Mr. David Giles
President and COO
Navigator CO₂
13333 California St, Suite 202
Omaha, Nebraska 68154

Dear Mr. Giles:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has received several inquiries regarding the ability of federal, state, and local governments to affect the siting, design, construction, operation, and maintenance of carbon dioxide pipelines. The widespread interest in understanding PHMSA's authorities underscores a need to reiterate the message we shared in 2014 with a company proposing a high-visibility interstate pipeline, a message directly related to current pipeline projects proposed by your companies.

As was the case in 2014, PHMSA continues to support and encourage all three levels of government—federal, state, and local—working collaboratively to ensure the nation's pipeline systems are constructed and operated in a manner that protects public safety and the environment.

Congress has vested PHMSA with authority to regulate the design, construction, operation, and maintenance of pipeline systems, including carbon dioxide pipelines, and to protect life, property, and the environment from hazards associated with pipeline operations. While the Federal Energy Regulatory Commission has exclusive authority to regulate the siting of interstate gas transmission pipelines, there is no equivalent federal agency that determines siting of all other pipelines, such as carbon dioxide pipelines. Therefore, the responsibility for siting new carbon dioxide pipelines rests largely with the individual states and counties through which the pipelines will operate and is governed by state and local law.

The Role of PHMSA

Under the federal pipeline safety laws (49 U.S.C. § 60101 *et seq.*), PHMSA is charged with carrying out a nationwide program for regulating the country's pipelines that transport gas, hazardous liquids, and carbon dioxide. With passage of the federal pipeline safety laws, Congress determined pipeline safety is best promoted through PHMSA's development of nationwide safety standards.

PHMSA takes this responsibility seriously and has promulgated comprehensive safety regulations at 49 C.F.R. Parts 190-199. Dozens of current federal requirements regulate the safety of carbon dioxide pipelines' design,¹ construction,² testing,³ operation and maintenance,⁴ operator qualification,⁵ corrosion control,⁶ and emergency response planning.⁷ PHMSA inspects compliance with these requirements and enforces these standards through administrative and judicial enforcement processes.

Recently, PHMSA promulgated new, more stringent standards for automatic and remote shut off valves that affect carbon dioxide pipelines (Additional information: "New rule will help improve public safety and reduce greenhouse gas emissions following pipeline failures").⁸ PHMSA also announced a number of additional actions to strengthen current pipeline safety requirements for carbon dioxide pipelines (Additional information: "PHMSA announces new safety measures to protect Americans from carbon dioxide pipeline failures"),⁹ including a new rulemaking which is currently under way.

While rulemakings like this involve meticulous crafting of highly technical updates, PHMSA also retains broad authority to address imminent risks to the public posed by a pipeline—even if not specifically delineated in a rule or standard. To this extent, PHMSA will engage with all carbon dioxide pipeline project developers to ensure any unique and imminent risks from such projects are adequately mitigated pursuant to PHMSA's statutory safety authority.

The Role of State Pipeline Regulators

Federal safety standards apply to both interstate and intrastate pipeline facilities. Only PHMSA can regulate the safety of interstate pipelines, and federal pipeline safety laws expressly prohibit states from enacting or enforcing pipeline safety standards with respect to interstate pipelines (except one-call notification program regulations). However, through an agreement with PHMSA, a state authority may be authorized to inspect interstate pipelines as an agent of PHMSA, and to refer violations to PHMSA for enforcement. Thus, PHMSA's state partners play an important role in assisting to oversee the safety of the nation's interstate pipelines.

PHMSA's state partners also play a critical role in regulating the safety of intrastate pipelines. A state authority that submits a certification to PHMSA may assume exclusive regulatory authority for the safety of its intrastate pipelines. The certification must document, among other things,

¹ 49 CFR part 195, subpart C (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-C>).

² Subpart D (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-D>).

³ Subpart E (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-E>).

⁴ Subpart F (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-F>).

⁵ Subpart G (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-G>).

⁶ Subpart H (<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-195/subpart-H>).

⁷ E.g., Subpart F, §§ 195.402, 195.403, 195.408.

⁸ <https://www.phmsa.dot.gov/news/phmsa-announces-requirements-pipeline-shut-valves-strengthen-safety-improve-response-efforts>

⁹ <https://www.phmsa.dot.gov/news/phmsa-announces-new-safety-measures-protect-americans-carbon-dioxide-pipeline-failures>

that the state has appropriate jurisdiction under state law; has adopted the federal safety standards to which the certification applies; inspects operators for compliance with those standards; and enforces the standards to address noncompliance.

PHMSA's national regulatory program relies heavily on the efforts of these state partners, who employ roughly 70 percent of all pipeline inspectors and whose jurisdiction covers more than 80 percent of regulated pipelines. As noted above, federal law requires certified state authorities to adopt safety standards at least as stringent as, and compatible with, the federal standards. The state authorities will also inspect, regulate, and take enforcement action against operators of intrastate pipelines within their borders.

The Role of Local Governments

Federal preemption of pipeline safety means that states do not have independent authority to regulate pipeline safety but derive that authority from federal law through a certification to PHMSA.

In the case of local governments that are not subject to federal certification of pipeline safety authority, they may still exercise other powers granted to them under state law but none that adopt or enforce pipeline safety standards or contradict federal law.

However, PHMSA cannot prescribe the location or routing of a pipeline and cannot prohibit the construction of non-pipeline buildings in proximity to a pipeline. Local governments have traditionally exercised broad powers to regulate land use, including setback distances and property development that includes development in the vicinity of pipelines. Nothing in the federal pipeline safety law impinges on these traditional prerogatives of local—or state—government, so long as officials do not attempt to regulate the field of pipeline safety preempted by federal law.

PHMSA recognizes local governments have implemented authorities under state law that contribute in many ways to the safety of their citizens. We have seen localities consider measures, such as:

1. Controlling dangerous excavation activity near pipelines.
2. Limiting certain land use activities along pipeline rights-of-way.
3. Restricting land use and development along pipeline rights-of-way through zoning, setbacks, and similar measures.
4. Requiring the consideration of pipeline facilities in proposed local development plans.
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8. Participating in federal environmental studies conducted under the National Environmental Policy Act (NEPA) and similar state laws for new pipeline construction projects.

Each state treats these issues differently, so pipeline operators should be prepared to deal directly with each locality and state body interested in the siting and construction process.

Collaboration Among Stakeholders

PHMSA believes pipeline safety is the shared responsibility of federal and state regulators as well as all other stakeholders, including pipeline operators, excavators, property owners, and local governments. In 2010, PHMSA launched the Pipelines and Informed Planning Alliance (PIPA)—available at <https://primis.phmsa.dot.gov/comm/pipa/LandUsePlanning.html>—to help pipeline safety stakeholders define their respective roles related to land use practices near pipelines and to develop best practices.

The PIPA documents are 13 years old, but they remain of value today. PHMSA looks forward to you, along with other private and public stakeholders, engaging with PHMSA in updating these documents to focus on the unique circumstances of new pipeline construction. I encourage all pipeline operators to carefully consider and adopt, as appropriate, these best practices to protect their existing and proposed rights-of-way, and to engage all stakeholders in promoting the safety of interstate pipelines.

Each community affected by an existing or proposed pipeline faces unique risks. The effective control and mitigation of such risks involves a combination of measures employed by facility operators, regulatory bodies, community groups, and individual members of the community. As a pipeline release can impact individuals, businesses, property owners, and the environment, it is important that all stakeholders carefully consider land use and development plans to make risk-informed choices that protect the best interests of the public and the individual parties involved. Sharing appropriate information with state or local governments and emergency planners, which may include dispersion models or emergency response plans, may help stakeholders make risk-informed decisions.

Bringing a pipeline into a community is often a complicated endeavor that requires tremendous coordination and open communication among stakeholders to be successful. We greatly value the efforts of pipeline operators who spend the time and energy to make sure the process goes smoothly and are responsive to all parties involved. Thank you for your cooperation in this effort.

Sincerely,

Alan K. Mayberry
Associate Administrator for Pipeline Safety



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

9/15/2023

Mr. Lee Blank
CEO
Summit Carbon Solutions
2321 N Loop Dr. Suite 221
Ames, Iowa 50010

Dear Mr. Blank:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has received several inquiries regarding the ability of federal, state, and local governments to affect the siting, design, construction, operation, and maintenance of carbon dioxide pipelines. The widespread interest in understanding PHMSA's authorities underscores a need to reiterate the message we shared in 2014 with a company proposing a high-visibility interstate pipeline, a message directly related to current pipeline projects proposed by your companies.

As was the case in 2014, PHMSA continues to support and encourage all three levels of government—federal, state, and local—working collaboratively to ensure the nation's pipeline systems are constructed and operated in a manner that protects public safety and the environment.

Congress has vested PHMSA with authority to regulate the design, construction, operation, and maintenance of pipeline systems, including carbon dioxide pipelines, and to protect life, property, and the environment from hazards associated with pipeline operations. While the Federal Energy Regulatory Commission has exclusive authority to regulate the siting of interstate gas transmission pipelines, there is no equivalent federal agency that determines siting of all other pipelines, such as carbon dioxide pipelines. Therefore, the responsibility for siting new carbon dioxide pipelines rests largely with the individual states and counties through which the pipelines will operate and is governed by state and local law.

The Role of PHMSA

Under the federal pipeline safety laws (49 U.S.C. § 60101 *et seq.*), PHMSA is charged with carrying out a nationwide program for regulating the country's pipelines that transport gas, hazardous liquids, and carbon dioxide. With passage of the federal pipeline safety laws, Congress determined pipeline safety is best promoted through PHMSA's development of nationwide safety standards.

PHMSA takes this responsibility seriously and has promulgated comprehensive safety regulations at 49 C.F.R. Parts 190-199. Dozens of current federal requirements regulate the safety of carbon dioxide pipelines' design,¹ construction,² testing,³ operation and maintenance,⁴ operator qualification,⁵ corrosion control,⁶ and emergency response planning.⁷ PHMSA inspects compliance with these requirements and enforces these standards through administrative and judicial enforcement processes.

Recently, PHMSA promulgated new, more stringent standards for automatic and remote shut off valves that affect carbon dioxide pipelines (Additional information: "New rule will help improve public safety and reduce greenhouse gas emissions following pipeline failures").⁸ PHMSA also announced a number of additional actions to strengthen current pipeline safety requirements for carbon dioxide pipelines (Additional information: "PHMSA announces new safety measures to protect Americans from carbon dioxide pipeline failures"),⁹ including a new rulemaking which is currently under way.

While rulemakings like this involve meticulous crafting of highly technical updates, PHMSA also retains broad authority to address imminent risks to the public posed by a pipeline—even if not specifically delineated in a rule or standard. To this extent, PHMSA will engage with all carbon dioxide pipeline project developers to ensure any unique and imminent risks from such projects are adequately mitigated pursuant to PHMSA's statutory safety authority.

The Role of State Pipeline Regulators

Federal safety standards apply to both interstate and intrastate pipeline facilities. Only PHMSA can regulate the safety of interstate pipelines, and federal pipeline safety laws expressly prohibit states from enacting or enforcing pipeline safety standards with respect to interstate pipelines (except one-call notification program regulations). However, through an agreement with PHMSA, a state authority may be authorized to inspect interstate pipelines as an agent of PHMSA, and to refer violations to PHMSA for enforcement. Thus, PHMSA's state partners play an important role in assisting to oversee the safety of the nation's interstate pipelines.

PHMSA's state partners also play a critical role in regulating the safety of intrastate pipelines. A state authority that submits a certification to PHMSA may assume exclusive regulatory authority for the safety of its intrastate pipelines. The certification must document, among other things,

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that the state has appropriate jurisdiction under state law; has adopted the federal safety standards to which the certification applies; inspects operators for compliance with those standards; and enforces the standards to address noncompliance.

PHMSA's national regulatory program relies heavily on the efforts of these state partners, who employ roughly 70 percent of all pipeline inspectors and whose jurisdiction covers more than 80 percent of regulated pipelines. As noted above, federal law requires certified state authorities to adopt safety standards at least as stringent as, and compatible with, the federal standards. The state authorities will also inspect, regulate, and take enforcement action against operators of intrastate pipelines within their borders.

The Role of Local Governments

Federal preemption of pipeline safety means that states do not have independent authority to regulate pipeline safety but derive that authority from federal law through a certification to PHMSA.

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U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

9/15/2023

Mr. Dean Ferguson
President, U.S. Operations
Wolf Carbon Solutions
1600 Broadway #1900
Denver, Colorado 80202

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Sincerely,

Alan K. Mayberry
Associate Administrator for Pipeline Safety

Summary of the Letter:

The letter from the Pipeline and Hazardous Materials Safety Administration (PHMSA) to Mr. Giles and others outlines the roles of federal, state, and local governments in regulating carbon dioxide (CO₂) pipelines. Key points include:

1. PHMSA's Role:

- PHMSA regulates the design, construction, operation, and maintenance of pipeline systems, including CO₂ pipelines, under federal safety laws.
- PHMSA sets nationwide safety standards and enforces compliance through inspections and enforcement actions.
- It has recently introduced more stringent safety measures for CO₂ pipelines, such as new regulations on shut-off valves.

2. State Governments:

- States can assume regulatory authority over intrastate pipelines through certification with PHMSA.
- Certified state authorities must adopt federal safety standards and enforce them within their jurisdiction.

3. Local Governments:

- Local governments do not have direct authority over pipeline safety but retain land use powers, such as zoning, setbacks, and property development restrictions.
- They may participate in emergency planning, control excavation near pipelines, and provide input on environmental studies under NEPA.
- Their regulations must not contradict or attempt to enforce pipeline safety standards preempted by federal law.

4. Collaboration:

- PHMSA emphasizes the importance of collaboration among federal, state, and local authorities, as well as pipeline operators and other stakeholders.
- It encourages adopting best practices from its Pipelines and Informed Planning Alliance (PIPA) to ensure pipeline safety and informed land use planning.

Decommissioning and Pipeline Removal?

The letter does not explicitly address the decommissioning or removal of pipelines. However, under federal pipeline safety laws, PHMSA's authority focuses on safety standards and does not cover the siting or decommissioning of pipelines, leaving these aspects to state and local governance. Local governments might possibly be able to implement decommissioning requirements through their land use and zoning powers, as long as these regulations do not conflict with federal pipeline safety standards?