

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

Date: 8/4/22

Weekly Agenda Date: 8/9/22 4:45

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

**WORDING FOR AGENDA ITEM:**

a. Public Hearing on a Zoning Ordinance Map Amendment to rezone from AP to AE for Mark A. Livermore and Michelle M. Livermore's property located in the NE ¼ of the SW ¼, Sec. 30, T89N R44W (Arlington) b. Approve the 2nd Reading of the Ordinance as the final reading. c. Waive the 3rd Reading of the Ordinance. d. Adopt the Zoning Ordinance Map Amendment.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing at 4:45 PM to discuss a proposed Zoning Ordinance Map Amendment to rezone Mark A. Livermore and Michelle M. Livermore's property located in the NE ¼ of the SW ¼, Sec. 30, T89N R44W (Arlington) which is an unassigned area formally part of the parent parcel 894430300008 from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District.

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

**BACKGROUND:**

Mark A. Livermore and Michelle M. Livermore have filed an application for a zoning ordinance map amendment (rezone) on property located in the NE ¼ of the SW ¼, Sec. 30, T89N R44W (Arlington) which is an unassigned area formally part of the parent parcel 894430300008 from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of completing a boundary adjustment to add 2.89 acres to their abutting property identified as Parcel #894430300004 which is already in the AE Zoning District. The two parcels must be in the same zoning district before the Woodbury County Assessor can combine two into one. This proposal has been properly noticed in the Sioux City Journal Legals Section on July 9, 2022. The neighbors within 1000 FT have been duly notified via a July 9, 2022 letter about the July 25, 2022 Zoning Commission public hearing and have been requested to comment. As of July 28, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. At the July 25, 2022 meeting of the Woodbury County Zoning Commission, following a public hearing, the Commissioners voted 5-0 to recommend acceptance and approval of the zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District to the Woodbury County Board of Supervisors. Staff recommends acceptance and approval of the zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District.

**FINANCIAL IMPACT:**

0

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

Yes  No

**RECOMMENDATION:**

Open and close the public hearing. (Set Time: 4:45 PM)

Approve the second reading of the ordinance as the final reading.

Waive the third reading.

Adopt the ordinance.

If needed, a third public hearing/reading of the ordinance has been scheduled for Tuesday, 8/16/22 at 4:45 PM.

**ACTION REQUIRED / PROPOSED MOTION:**

Open and close the public hearing. (Set Time: 4:45 PM)

Motion to approve the second reading of the ordinance as the final reading

Motion to waive the third reading.

Motion to adopt the Zoning District Map Amendment (Rezone) to the Zoning Ordinance.



**Minutes - Woodbury County Zoning Commission Meeting – July 25, 2022**

The Zoning Commission (ZC) meeting convened on the 25th of July at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeff O'Tool  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Gary Walters, Scott & Sandra Wendel, Elbert & Sandy Baker, Dick & Cindy Speed  
Telephone: Mark Livermore

**Call to Order**

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

**Public Comment on Matters Not on the Agenda**

None.

**Approval of Previous Meeting Minutes – June 27, 2022**

Parker motioned. Second: O'Tool 5-0.

**Public Hearing: The Evergreens Addition - Minor Subdivision Proposal**

Priestley read the preliminary report and staff recommendation into the record. Wendel Real Estate LLC has filed an application for a two-lot minor subdivision. The purpose is to establish two lots. The first lot will include 13.12 total acres while the second lot will include 11.79 total acres. The proposal has been properly noticed in the Sioux City Journal Legals Section on July 9, 2022. The neighbors within 1000 FT have been duly notified via a July 9, 2022, letter about the July 25, 2022, Zoning Commission Public Hearing. Appropriate stakeholders including government agencies utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access and recommended that a pavement agreement be included for consistency as the subdivision across the street (Bakers Acres) to the west is subject to a pavement agreement. Extraterritorial review, as required by Iowa code 354.9, was not required as this property is further than two (2) miles from an unincorporated jurisdiction. The property is not located in the floodplain. There are no wells or septic systems on the lots. 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 acceptance and approval of the minor subdivision proposal with the condition that either an 80/20 or a 60/40 pavement agreement be signed with Woodbury County. Sandra Wendel explained the reason for the subdivision, they sold the farm and kept northern 13 acres, then realized the division triggered a subdivision. The middle lot will be donated for conservation purposes. It contains rare species of prairie plants that will be preserved and used to repopulate other areas. Motion to close public hearing: Bride. Second: Parker. Motion approved 5-0. Motion to recommend acceptance and approval of The Evergreens Addition final plat to the Board of Supervisors with the condition that either an 80/20 or a 60/40 pavement agreement be signed with Woodbury County as determined by the Board of Supervisors by O'Tool. Second: Parker. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) from AP to AE Proposal – Mark A. Livermore and Michelle M. Livermore.**

Priestley read the preliminary report and staff recommendation into the record. Mark A. Livermore and Michelle M. Livermore have filed an application for a zoning ordinance map amendment (rezone) on property currently zoned Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of completing a boundary adjustment to add 2.89 acres to their abutting property identified as Parcel #894430300004 which is already in the AE Zoning District. The two Parcels must in the same zoning district before the Woodbury County Assessor can combine two into one. This proposal has been properly noticed in the Sioux City Journal Legals Section on July 9, 2022. The neighbors within 1000 FT have been duly notified via a July 9, 2022, letter about the July 25, 2022, Zoning Commission public hearing and have been requested to comment. As of July 20, 2022, no comments or inquires have been received about the proposal. Appropriate stakeholders including government agencies, utilities and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the AE Zoning District. Motion to close the public hearing: Parker. Second: O'Tool. Motion approved 5-0. Motion to recommend acceptance and approval of the zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estate (AE) Zoning District to the Woodbury County Board of Supervisors by Parker. Second: Bride. Motion approved 5-0.

**Information/Discussion: Draft FEMA Special Flood Hazard Area Maps**

The Federal Emergency Management Agency (FEMA) and the Iowa Department of Natural Resources (IDNR) have been working to update the floodplain maps also known as the Flood Insurance Rate Maps (FIRMS) and the Flood Insurance Study (FIS) for the State of Iowa. Initially, a preliminary product for Woodbury County was sent out in November of 2020. However, since that time, FEMA/IDNR have determined the necessity to reissue the preliminary FIRMS and FIS due to a mislabeling issue concerning the Base Flood Elevation (BFE) lines. The preliminary products are available in digital format, which can be viewed at: [www.fema.gov/preliminaryfloodhazarddata](http://www.fema.gov/preliminaryfloodhazarddata) and <https://ifis.iowafloodcenter.org/ifis/newmaps/>. The IDNR will be contacting Woodbury County to schedule a community coordination meeting (referred to as a "Consultation Coordination Officer [CCO]" meeting) to discuss the revised flood hazard information, ordinance adoption, and other frequently asked questions and concerns. After the CCO meeting, FEMA will initiate a statutory 90-day appeal period for certain communities within Woodbury County. The new FIRM and FIS report for Woodbury County will become effective at a later time to be determined estimated to be around January of 2024.

**Public Comment on Matters Not on the Agenda**

None.

**Commissioner Comment or Inquiry**

Bride asked if there have been concerns about shed/houses being built in the county. Priestley stated they go through the regular building permit process for approval and the minimum lot dimensions must be 23' x 23'. Bride and Meister stated they have received calls and comments regarding a proposed 2,500 FT setback for wind turbines. Bride pointed out that there could be issues with reverse setbacks where new homes may not be located within the setback of a preexisting wind turbine.

**Staff Update**

Priestley addressed possible changes to the zoning fee schedules to cover processing and printing of meeting notifications and legal notices. Certain projects may be more time consuming for staff, requiring larger amounts of mailings, and legal postings. The Board of Supervisors approve fee schedule changes through the resolution process. Priestley will bring the matter to the Board of Supervisors as an information item on July 26, 2022.

**Adjourn**

Motion by O'Tool. Second: Bride. 5-0. The meeting adjourned at 6:48 PM.

**ORDINANCE NO. \_\_**

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

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

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

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

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

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

**Dated this \_\_\_\_ day of \_\_\_\_\_ 2022.**

**THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS**

\_\_\_\_\_  
**Keith Radig, Chairman**

\_\_\_\_\_  
**Jeremy Taylor, Vice Chairman**

\_\_\_\_\_  
**Rocky De Witt**

\_\_\_\_\_  
**Matthew Ung**

\_\_\_\_\_  
**Justin Wright**

Attest:

\_\_\_\_\_  
Patrick F. Gill, Woodbury County Auditor

<b>Adoption Timeline:</b> Public Hearing and 1 <sup>st</sup> Reading: Public Hearing and 2 <sup>nd</sup> Reading: Public Hearing and 3 <sup>rd</sup> Reading: Adopted: Effective:
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## ITEM ONE (1)

Property Owner(s): Mark A. Livermore and Michelle M. Livermore, 1460 Grundy Avenue, PO Box 472, Merville, IA 51039

Petitioner Applicant: Mark A. Livermore and Michelle M. Livermore, 1460 Grundy Avenue, PO Box 472, Merville, IA 51039

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, July 25, 2022, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 2.89-acres located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 30, T89N R44W (Arlington Township) in the County of Woodbury and State of Iowa. The property is described as

A PARCEL OF LAND LOCATED IN THE NE  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SECTION 30, TOWNSHIP 89 NORTH, RANGE 44 WEST OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

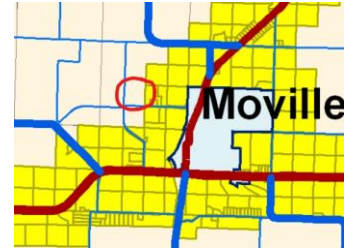
COMMENCING AT THE NORTHWEST CORNER OF THE NE  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  OF SAID SECTION 30; THENCE SOUTH 00 DEGREES 00'00" WEST 988.82 FEET ALONG THE WEST LINE OF SAID NE  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$ ; THENCE SOUTH 87 DEGREES 35'51" EAST 260.31 FEET TO THE POINT OF THE BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 35'51" EAST 315.69 FEET; THENCE NORTH 00 DEGREES 01'20" EAST 384.44 FEET; THENCE NORTH 82 DEGREES 10'00" WEST 318.40 FEET; THENCE SOUTH 00 DEGREES 01'20" WEST 414.60 FEET TO THE POINT OF THE BEGINNING. CONTAINING 2.89 ACRES. NOTE: THE WEST LINE OF THE NE  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$  WAS ASSUMED TO BEAR DUE NORTH AND SOUTH.

# EVALUATION CRITERIA

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

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

The 2005 Future Land Use Map shows this area as Agriculture. The parcel is currently zoned Agricultural Preservation (AP) and the request is to change to Agricultural Estates (AE) for the purpose of a boundary adjustment with an existing AE parcel. The request conforms to the goals and objectives of the general development plan as it relates to the following land use goals:



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

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

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

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

The CSR2 rating for this property includes ratings of 33.85. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses.

### Summary

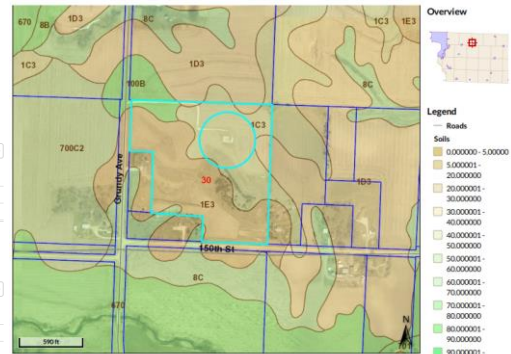
Parcel ID	894430300008
Gross Acres	26.75
ROW Acres	0.00
Gross Taxable Acres	26.75
Exempt Acres	0.00
Net Taxable Acres	26.75 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	33.85 (905.52 CSR2 Points / 26.75 Gross Taxable Acres)
Agland Active Config	2017 CSR2

### Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.38	39.65	451.19	451.19
Non-Crop	15.37	29.56	454.33	360.47
<b>Total</b>	<b>26.75</b>		<b>905.52</b>	<b>811.66</b>

### Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	100B	MONONA SILTY CLAY LOAM, 2 TO 5 PERCENT SLOPES	95.00	0.87	82.65	82.65
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	4.05	234.90	234.90
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.24	39.68	39.68
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	5.22	93.96	93.96
Non-Crop	100B	MONONA SILTY CLAY LOAM, 2 TO 5 PERCENT SLOPES	95.00	0.43	40.85	20.49
Non-Crop	8C	JUDSON SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES	84.00	0.34	29.24	15.40
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	2.98	172.84	113.30
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.16	5.12	5.00
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	11.46	206.28	206.28
<b>Total</b>				<b>26.75</b>	<b>905.52</b>	<b>811.66</b>



Parcel ID: 894430300008  
 Sub/Twp/Rng: 30-89-44  
 Property Address: 0049  
 District: N35W12 TCT COM SW COR THEC E 724.95' N 256.5' W 468.27' N 545.82' W 280.5' S 534.92' & S 280.5' E 16' (EX CIRCULAR TCT COM SW COR SE1/4 SW1/4 THEC N 2301.29' E 671.71' TO POB THEC CLOCKWISE AROUND A 250' RADIUS FOR 1370.81)  
 Brief Tax Description: 0049  
 Alternate ID: 865013  
 Class: A  
 Acreage: 26.75  
 Owner Address: LIVERMORE DANIEL A  
 737 LOGAN DR  
 MOVILLE, IA 51039-7531  
 (Note: Not to be used on legal documents)



**Compatibility with adjacent land uses.**

The rezone to AE is compatible with the area residential and agricultural uses. As the image below illustrates, the quarter-quarter contains both AE and AP parcels.



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

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

**Any other relevant factors.**

The purpose of this rezone request is to facilitate a boundary adjustment. Boundary adjustment may only be completed by the Assessor's office when abutting properties are in the same zoning district.

**LEGAL NOTIFICATION**

Published in the Sioux City Journal's Legals Section on **July 9, 2022.**

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) AND FOR A MINOR SUBDIVISION  
 The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on July 28, 2022 at 6:00 P.M. or as soon thereafter, as time permits, in the Board of Supervisors Meeting Room, 405 of the Code of Iowa, as amended.

**Sioux City Journal**  
**news**  
 6909-5985

**NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED COMBINED CENTRAL SIOUX CITY CSD URBAN RENEWAL PLAN FOR THE COMBINED CENTRAL SIOUX CITY CSD URBAN RENEWAL PROJECT AREA OF THE CITY OF SIOUX CITY, IOWA.**

The City Council of the City of Sioux City, Iowa, hereby gives notice that a public hearing will be held at its meeting which commences at 4:00 P.M. July 18, 2022 in the Council Chambers, 5th Floor, City Hall, 405 South Street, Sioux City, Iowa to consider adoption of the proposed Amendment No. 1 to the Amended and Restated Combined Central Sioux City CSD Urban Renewal Plan (the "Amended Plan") for the eastern Central Area of the City of Sioux City, Iowa. A copy of the proposed Amendment No. 1 to the Amended Plan is on file for public inspection in the office of the City Clerk, City Hall, 405 South Street, Sioux City, Iowa.

The purpose of this proposed Amendment No. 1 to the Amended Plan is to further update certain provisions of the Amended Plan to conform to current zoning ordinances and program activities for the Project Area.

The general scope of the urban renewal activities under consideration in Amendment No. 1 to the Amended Plan is to convey, land and enter into development agreements for new development and the improvement of existing commercial buildings and land for the Project Area in order to encourage investment and strengthen the area economy. This activity may involve grants, rebates, loans or other incentives funded by tax increment financing.

Specifically, Amendment No. 1 to the Amended Plan addresses the following proposed urban renewal projects:

- \* Parcel located at 650 Floyd Boulevard, Sioux City, Woodbury County, Iowa;
- \* Parcel located at 901 5th Street, Sioux City, Woodbury County, Iowa;
- \* Any person or organization desiring to be heard at such hearing may do so by order of the City Council of Sioux City, Iowa, as provided by Section 405.5 of the Code of Iowa, as amended.

Dated this 13th day of June, 2022.  
 Lea L. McCardie, City Clerk, Sioux City, Iowa

**NOTICE OF SHERIFF'S LEVY AND SALE**  
 CASE NO. ECV19020 FUND SOCIETY FSA  
 WIDEN CHRISTIAN TRUST NOT INDIVIDUAL  
 ALTY BUT AS TRUSTEE FOR CARLSBAD  
 FUNDING MGTGAGE TRUST  
 PLAINTIFF  
 vs.  
 ANGELA A. MECHIKOFF STOKES SPOUSE  
 OF ANGELA A. MECHIKOFF STOKES  
 IOWA DEPARTMENT OF REVENUE FINANCIAL  
 OVAL SERVICES, INC.  
 DEFENDANT

As a result of the judgment rendered in the

## PROPERTY OWNER(S) NOTIFICATION – 1000'



The **ten (10)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **July 9, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **July 25, 2022 at 6:00 PM**.

As of **July 28, 2022**, the Community and Development office has received:

- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

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

Property Owner(s)	Mailing Address	Comments
Daniel A. Livermore	737 Logan Dr., Merville, IA 51039-7531	No comments.
SBA Steel, LLC	8051 Congress Ave., Boca Raton, FL 33487	No comments.
Mark A. Livermore and Michelle Livermore	1460 Grundy Avenue PO Box 472, Merville, IA 51039	No comments.
Caleb J. Hancock and Lakin M. Hancock	2639 150th St., Merville, IA 51039-8027	No comments.
Charles R. Miller and Kristy Miller	2651 150th St., Merville, IA 51039	No comments.
Ronald Ruhrer, Jr. and Heidi S. Ruhrer	2663 150th St., Merville, IA 51039	No comments.
Walter H. Reinholdt and Violet M. Reinholdt	2605 Glen Ellen Road, Sioux City, IA 51106-7124	No comments.
June Arlene Corbin, Trustee, June Arlene Corbin Living Trust	2131 W. 73rd St., Tulsa, OK 74132-2221	No comments.
Brian Ragan	1471 Grundy Ave., Merville, IA 51039	No comments.
David A. Healy and Gloria M Healy, Trustees of the Joint Revocable Living Trust of David A. Healy and Gloria M. Healy	2648 150th St., Merville, IA 51039-8026	No comments.

## STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No issues with this. – Glenn Sedivy, 6/30/22.
CENTURYLINK / LUMEN:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LONGLINES:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed rezoning for MEC electric and found – No conflicts. – Casey Meinen, 6/30/22.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC gas either. – Tyler Ahlquist, 7/1/22.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS)	Hi Daniel- We have no comments or concerns with this re-zoning request. – Randi Prichard, 6/30/22.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 7/1/22.
NUSTAR PIPELINE:	The rezoning request does not impact our pipeline. No comments or concerns. – Matt McGee, 7/6/22.
SIUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no questions or comments. – Rebecca Socknat, 7/11/22.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	No comments.
WOODBURY COUNTY RECORDER:	I have no issues. Thank you. – Diane Swoboda Peterson, 6/30/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comment regarding this proposal. – Neil Stockfleth, 6/30/22.

# PARCEL REPORT

## Summary

**Parcel ID** 894430300008  
**Alternate ID** 860313  
**Property** N/A  
**Address**  
**Sec/Twp/Rng** 30-89-44  
**Brief** NESW(1/4) TCT COM SW COR THEC E 726.95' N 256.5' W 466.27' N 545.82' W 260.5' S 534.92' & S 280.5' & (EX CIRCULAR TCT COM SW COR SE 1/4 SW 1/4 THEC N 2301.29' E 671.71' TO POB THEC CLOCKWISE AROUND A 250' RADIUS FOR 1570.8')  
**Tax Description** (Note: Not to be used on legal documents)  
**Deed** 176-80 (7/30/1986)  
**Book/Page**  
**Gross Acres** 26.75  
**Net Acres** 26.75  
**Adjusted CSR** 811.66  
**Pts**  
**Zoning** AP - AGRICULTURAL PRESERVATION  
**District** 0049 ARLINGTON/WD-C  
**School District** WOODBURY CENTRAL  
**Neighborhood** N/A

## Owner

**Deed Holder**  
[Livermore Daniel A](#)  
[737 Logan Dr](#)  
 Merville IA 51039-7531  
**Contract Holder**  
**Mailing Address**  
 Livermore Daniel A  
[737 Logan Dr](#)  
 Merville IA 51039-7531

## Land

**Lot Area** 26.75 Acres ; 1,165,230 SF

## Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$20,560	\$20,560	\$19,430	\$19,430	\$28,270
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$20,560	\$20,560	\$19,430	\$19,430	\$28,270
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$20,560	\$20,560	\$19,430	\$19,430	\$28,270

# SOIL REPORT

## Summary

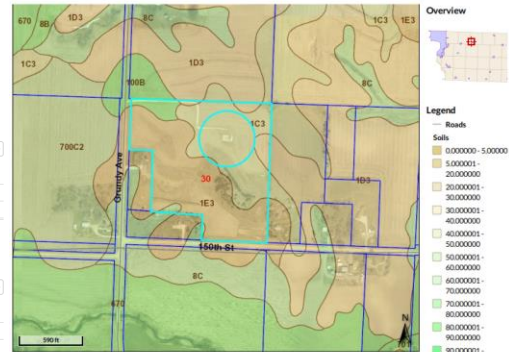
**Parcel ID** 894430300008  
**Gross Acres** 26.75  
**ROW Acres** 0.00  
**Gross Taxable Acres** 26.75  
**Exempt Acres** 0.00  
**Net Taxable Acres** 26.75 (Gross Taxable Acres - Exempt Land)  
**Average Unadjusted CSR2** 33.85 (905.52 CSR2 Points / 26.75 Gross Taxable Acres)  
**Agland Active Config** 2017 CSR2

## Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.38	39.65	451.19	451.19
Non-Crop	15.37	29.56	454.33	360.47
<b>Total</b>	<b>26.75</b>		<b>905.52</b>	<b>811.66</b>

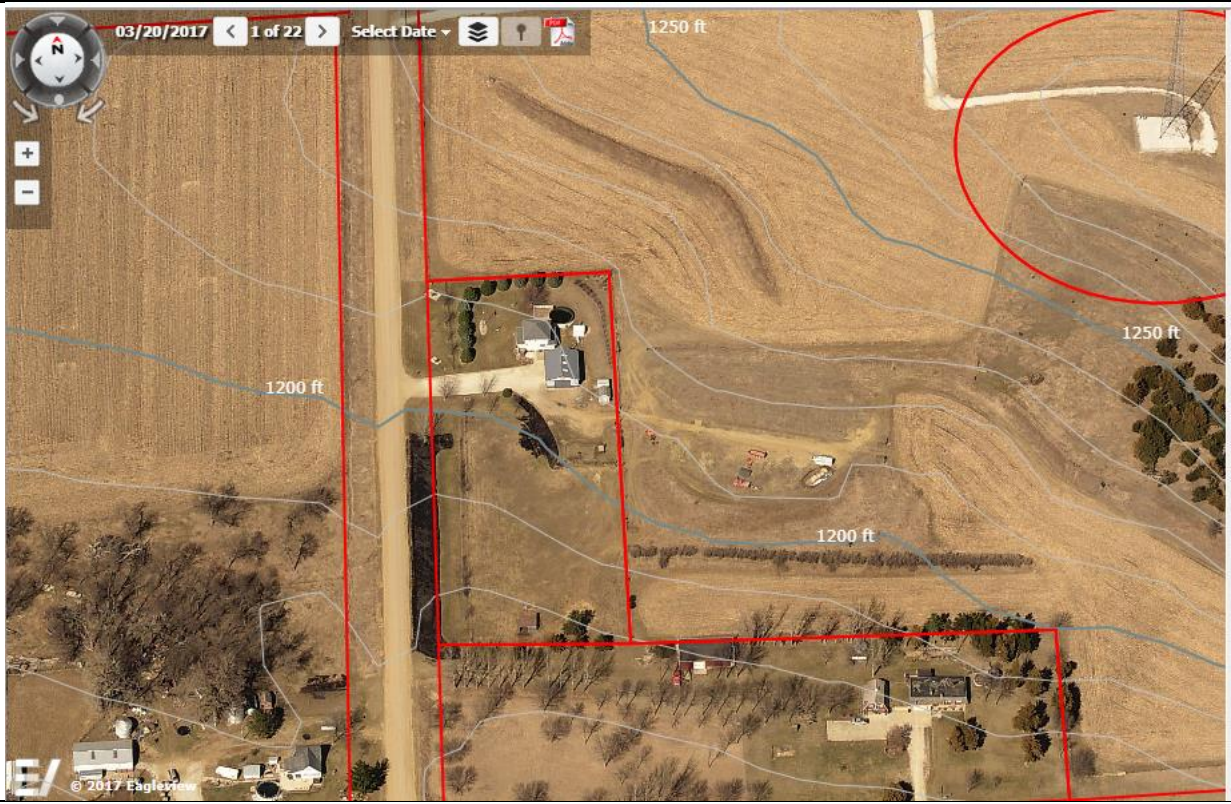
## Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	100B	MONONA SILTY CLAY LOAM, 2 TO 5 PERCENT SLOPES	95.00	0.87	82.65	82.65
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	4.05	234.90	234.90
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.24	39.68	39.68
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	5.22	93.96	93.96
Non-Crop	100B	MONONA SILTY CLAY LOAM, 2 TO 5 PERCENT SLOPES	95.00	0.43	40.85	20.49
Non-Crop	BC	JUDSON SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES	86.00	0.34	29.24	15.40
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	2.98	172.84	113.30
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.16	5.12	5.00
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	11.46	204.28	204.28
<b>Total</b>				<b>26.75</b>	<b>905.52</b>	<b>811.66</b>



**Parcel ID** 894430300008  
**Sec/Twp/Rng** 30-89-44  
**Property Address**  
**District** 0049  
**Brief Tax Description** NESW(1/4) TCT COM SW COR THEC E 726.95' N 256.5' W 466.27' N 545.82' W 260.5' S 534.92' & S 280.5' & (EX CIRCULAR TCT COM SW COR SE 1/4 SW 1/4 THEC N 2301.29' E 671.71' TO POB THEC CLOCKWISE AROUND A 250' RADIUS FOR 1570.8')  
**Alternate ID** 860313  
**Class** A  
**Acres** 26.75  
**Owner Address** LIVERMORE DANIEL A  
 737 LOGAN DR  
 MERVILLE IA 51039-7531  
 (Note: Not to be used on legal documents)

# ELEVATION



Document Number: 2022-07960  
Recorded: 6/27/2022 at 9:47:13.0 AM  
County Recording Fee: \$22.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$25.00  
Revenue Tax: \$0.00  
PATRICK F GILL AUDITOR & RECORDER  
Woodbury County, Iowa

**WARRANTY DEED JOINT TENANCY  
Recorder's Cover Sheet**

**Preparer Information:** W.E. (Gene) Collins, 38 First Avenue NW, Le Mars, IA 51031,  
Phone: (712) 546-8844

**Taxpayer Information:** MARK A. LIVERMORE,  
1460 Grundy Avenue, P.O. Box 472, Merville, IA 51039

**Return Document To:** W.E. (Gene) Collins, 38 First Avenue NW, Le Mars, IA 51031

**Grantors:** DANIEL A. LIVERMORE and MARY E. LIVERMORE

**Grantees:** MARK A. LIVERMORE and MICHELLE M. LIVERMORE

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:**



## WARRANTY DEED JOINT TENANCY

For the consideration of One Dollar(s) and other valuable consideration, DANIEL A. LIVERMORE and MARY E. LIVERMORE, husband and wife, do hereby convey to MARK A. LIVERMORE and MICHELLE M. LIVERMORE, husband and wife as joint tenants with full rights of survivorship and not as tenants in common, the following described real estate in Woodbury County, Iowa:

A parcel of land located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 30, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, described as follows:

Commencing at the Northwest Corner of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 30; thence South 00 Degrees 00'00" West 988.82 feet along the West line of said NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence South 87 Degrees 35'51" East 260.31 feet to the point of beginning; thence continuing South 87 Degrees 35'51" East 315.69 feet; thence North 00 Degrees 01' 20" East 384.44 feet; thence North 82 Degrees 10'00" West 318.40 feet; thence South 00 Degrees 01'20" West 414.60 feet to the point of beginning. Containing 2.89 Acres.

NOTE: The West line of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  was assumed to bear due North and South.

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code Section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

**This deed is exempt according to Iowa Code 428A.2(21).**

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. 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: 6-24-22, 2022.

Daniel A. Livermore  
DANIEL A. LIVERMORE, Grantor

Mary E. Livermore  
MARY E. LIVERMORE, Grantor

STATE OF IOWA, COUNTY OF Woodbury; SS:

This record was acknowledged before me on 6-25-2022, 2022, by DANIEL A. LIVERMORE and MARY E. LIVERMORE, husband and wife.

W E Collins  
Signature of Notary Public



**W.E. Collins**  
Commission No. 168337  
My Commission Expires  
February 8, 2023



OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance  
Section 2.02(4)  
Page 1 of 8

**Rezoning Application &  
Zoning Ordinance Map Amendment**

<b>Owner Information:</b>	<b>Applicant Information:</b>
Owner <u>MARK A + Michelle M. Luciani</u>	Applicant _____
P.O. Box <u>472</u>	Address <u>5Am E</u>
Address <u>1468 Grundy Ave</u>	_____
<u>Mos. 11E Iowa 51039</u>	_____
Phone <u>712 870-4089</u>	Phone _____

Engineer/Surveyor Schlafeldt Engineering Phone 712 546 8118

**Property Information:** survey attached

Property Address or Address Range 2.89 acres NE 1/4 SW 1/4 Sec 30-89-44

Quarter/Quarter NE 1/4 SW 1/4 Sec 30 Twnshp/Range 89-44

Parcel ID # 894430300 or GIS # \_\_\_\_\_ Total Acres 2.89

Current Use Agricultural Preservation Proposed Use Agricultural Enterprise

Current Zoning AP Proposed Zoning AE

Average Crop Suitability Rating (submit NRCS Statement) CSRI 811.66

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

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

Pre-app mtg. date April 27, 2022 Staff present Don Parley

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

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

Owner (X) Mark A Luciani Applicant (X) Michelle M Luciani

Date 6/24/22 Date 6-24-22

Fee: \$400 Case #: 6780

Check #: 26049

Receipt #: \_\_\_\_\_





### Supplemental Explanation

As further explanation of the rezoning application have acquired the 2.89 unimproved parcel from Mark Livermore's father. The parcel is adjoining our existing acreage and we desire to consolidate/merge our existing acreage with the newly acquired parcel.

Presently the 2.89 parcel is zoned Agriculture Preservation and we wish to rezone it to Agricultural Estates to mirror our existing zoning.