

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

Date: 10/2/24

Weekly Agenda Date: 10/8/24 4:45

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel J. Priestley

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation from 9/23/24 to approve Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on a portion of Parcel #884726200002 for the Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners). b. Conduct 1st Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE on a portion of Parcel #884726200002. c. Approve the 1st Reading of the Zoning Ordinance Map Amendment (Rezone)

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 a 1.14-acre portion of the property owned by Jimmie L. and Renee T. Colyer located on Parcel #884726200002 in the NW ¼ of the NE ¼ of Section 26, T88N R47W (Woodbury Township) 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:

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and 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 portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because 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 their existing adjacent parcel, described as Lot One (1) of Baker's Acres." The rezoning is requested so that the new parcel's zoning matches that of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 12, 2024. The neighbors within 1000 FT have been duly notified via a September 9, 2024 letter about the September 23, 2024 Zoning Commission public hearing and have been requested to comment. 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 proposal. The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision.

PROPERTY DETAILS:

Parcel(s): 884726200002

Township/Range: T88N R47W (Woodbury)

Section: 26

Quarter: NW ¼ of the NE ¼

Zoning District: Agricultural Preservation (AP)

Floodplain: Not in floodplain (Zone X)

Property Address: No address

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:

Receive final report and Zoning Commission recommendation from their 9/23/24 meeting.

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

Conduct and approve the first reading of the Zoning Ordinance Map Amendment (Rezone).

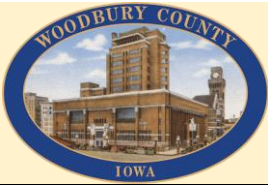
The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 10/15/24 at 4:45 PM, and Tuesday, 10/22/24 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

a. Receive final report-Zoning Commission recommendation from 9/23/24 to approve Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on a portion of Parcel #884726200002 for the Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners).

b. Conduct 1st Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE on a portion of Parcel #884726200002.

c. Approve the 1st Reading of the Zoning Ordinance Map Amendment (Rezone)



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

REPORT – SEPTEMBER 24, 2024

ZONING ORDINANCE MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO AGRICULTURAL ESTATES (AE)

APPLICATION DETAILS

Applicant(s)/Owner(s):	Sandra K. Baker Rev. Trust (Sandra K. Baker – Applicant) / Jimmie L. and Renee T. Colyer (Owner)
Application Type:	Zoning Ordinance Map Amendment (Rezone)
Current Zoning District:	Agricultural Preservation (AP)
Requested Zoning District:	Agricultural Estates (AE)
Current Use:	Bare Ground, Path to Field
Proposed Use:	To be added to Baker's Acres Lot 1
Average CSR Rating:	40.53
Engineer/Surveyor:	Alan Fagan, 712-539-1471
Attorney:	Joel D. Voss, 712-222-4105
Pre-application Meeting:	June 26, 2024
Application Date:	August 20, 2024
Stakeholder Notification:	September 3, 2024
Neighbors' Notification:	September 9, 2024
Legal Publication:	September 12, 2024
Zoning Commission Public Hearing:	September 23, 2024
Board of Supervisors Public Hearings:	October 8, 15, 22 all at 4:45 PM

PROPERTY DETAILS

Parcel(s):	884726200002
Township/Range:	T88N R47W (Woodbury)
Section:	26
Quarter:	NW 1/4 of the NE 1/4
Zoning District:	Agricultural Preservation (AP)
Floodplain:	Not in floodplain (Zone X)
Property Address:	No address
Legal Description:	PART OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W. 1/4 OF THE N.E. 1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.
NOTE:	THE NORTH LINE OF SAID N.W. 1/4 OF THE N.E. 1/4 IS ASSUMED TO BEAR N.88°42'30"E.

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SUMMARY

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and 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 portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because 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 their existing adjacent parcel, described as Lot One (1) of Baker's Acres." The rezoning is requested so that the new parcel's zoning matches that of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 12, 2024. The neighbors within 1000 FT have been duly notified via a September 9, 2024 letter about the September 23, 2024 Zoning Commission public hearing and have been requested to comment. 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 proposal. The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision.

AERIAL MAP



SURVEY EXCERPT



ZONING COMMISSION AND STAFF RECOMMENDATION

Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval of the conditional use request. It is the recommendation of staff to approve the proposal.

The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision



**WOODBURY COUNTY
ZONING COMMISSION**
WOODBURY COUNTY COURTHOUSE
620 DOUGLAS STREET
SIOUX CITY, IA 51101

Woodbury County Board of Supervisors
620 Douglas Street
Sioux City, Iowa 51101

RE: Zoning Commission Recommendation to the Board of Supervisors:

Zoning Ordinance Map Amendment (Rezone)

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process.

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Property Address: No address

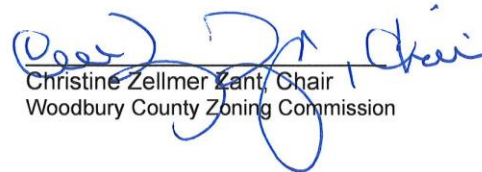
Dear Board of Supervisors:

This letter is to inform you that the Woodbury County Zoning Commission conducted a public hearing and have reviewed the Zoning Ordinance Map Amendment (Rezone) application submitted by Sandra K. Baker Rev. Trust (Sandra K. Baker – Applicant) / Jimmie L. and Renee T. Colyer (Owner).

The Commission voted 4-0 with the recommendation to approve the application.

Please refer to the draft copy of the Zoning Commission minutes for details about the Commission's recommendation.

Dated this 23 day of Sept, 2024


Christine Zellmer Kant, Chair
Woodbury County Zoning Commission

SEE ENCLOSED ZONING COMMISSION DRAFT MINUTES

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)



MIDAMERICAN
ENERGY COMPANY
an iowa energy services company

September 13, 2024

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

Dear WOODBURY COUNTY:

MidAmerican Energy is committed to the safety of our customers and our locations working within our service territory. The enclosed brochure provides facts and useful information to consider when issuing permits or long-range planning involving grain elevators, 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:

**YOUR SAFETY MATTERS
GRAIN BIN CLEARANCE**

MidAmerican Energy is committed to providing important information to help ensure your safety when working near electrical facilities. From poles, wires, transformers, grain elevators, grain bin modifications, the only one source, taking a closer look at the hazards and standards for jurisdiction or grain silos, your overhead power lines.

The Iowa Administrative Code, Iowa Code, 199-25.22(7), so are, but specific safety rules, clearance, or maintained between grain bins and electrical lines in accordance with American National Standards Institute (ANSI) C2 2017, National Electrical Safety Code (NESC), 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 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INDEX LEGEND	
SURVEYOR:	ALAN L. FAGAN 712 539-1471
MAIL TO:	AL FAGAN LAND SURVEYING, P.C. P.O. BOX 858 - MERRILL, IA 51038
COUNTY:	WOODBURY
SECTION(S):	26 T. 88 N., R. 47 W.
ALIQUOT PART:	PART OF THE N.W.1/4 OF THE N.E.1/4
CITY:	
SUBDIVISION:	
BLOCK(S):	
LOT(S):	
PROPRIETOR(S):	JIMMIE L. COLYER AND RENEE T. COLYER, HUSBAND AND WIFE
REQUESTED BY:	JIMMIE L. COLYER

AL FAGAN LAND SURVEYING P.C.-P.O. BOX 858-MERRILL, IOWA 51038-PH. (712) 539-1471

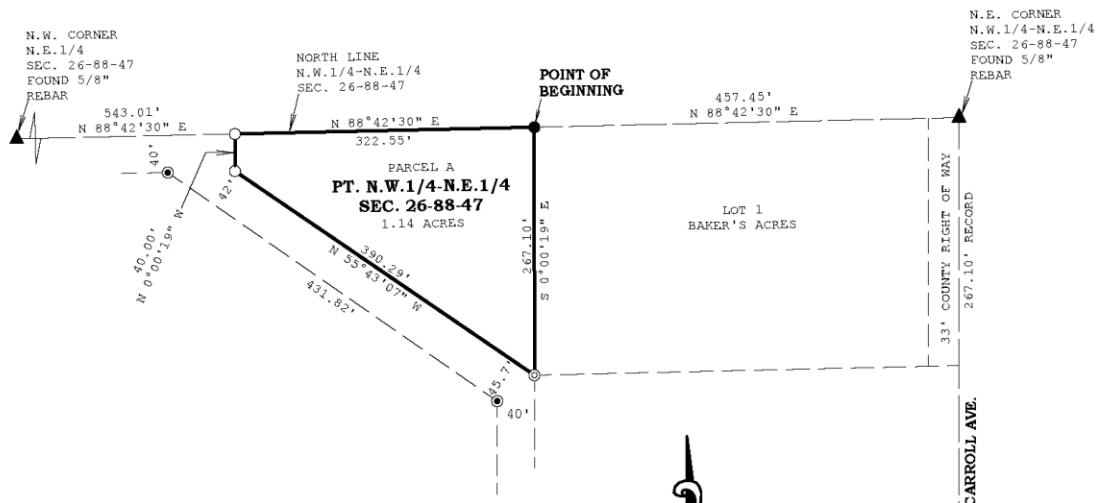
PLAT OF SURVEY

PLAT OF SURVEY SHOWING PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, T.88N., R.47W. OF THE 5TH P.M., WOODBURY COUNTY, IOWA.

SURVEYOR'S DESCRIPTION:

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.

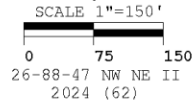


NOTES

THIS PARCEL WILL HAVE TO BE REZONED PRIOR TO CONVEYANCE.

PARCEL A IS PART OF A 3.45 ACRE PARCEL DESCRIBED ON A PLAT OF SURVEY RECORDED ON ROLL 327, IMAGE 575 IS THE WOODBURY COUNTY RECORDER'S OFFICE.

THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT PARCEL A.



S.E. CORNER
W.1/2-N.E.1/4
SEC. 26-88-47

MONUMENTS

- = 5/8" REBAR FOUND
- ⊙= 1/2" YELLOW CAPPED REBAR #5542 FOUND
- ⊙= 1/2" YELLOW CAPPED REBAR #10570 FOUND
- = 1/2" YELLOW CAPPED REBAR #15082 SET

DATE OF SURVEY: MAY 22, 2024

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.

ALAN L. FAGAN

DATE

LICENSE NUMBER 15082

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025

PAGES OR SHEETS COVERED BY THIS SEAL: ONE





OFFER TO BUY REAL ESTATE AND ACCEPTANCE (NONRESIDENTIAL)

TO: Jimmie Lee Colyer and Renee T. Colyer (SELLERS)

The undersigned BUYERS hereby offer to buy and the undersigned SELLERS by their acceptance agree to sell the real property situated in Woodbury County, Iowa, legally described as:

Part of the NW ¼ of the NE ¼ of Section 26, Township 88 North, Range 47 West of the 5th Principal Meridian, Woodbury County, Iowa described as follows: Commencing at the N.E. corner of said NW ¼ of the NE ¼, thence S 88°42'30" W a distance of 457.45' to the point of beginning; thence S 0°00'19" E a distance of 267.10'; thence N 55°43'07" W a distance of 390.29'; thence N 0°00'19" W a distance of 40.00'; thence N 88°42'30" E distance of 322.55' to the point of beginning. Said parcel contains 1.14 acres, more or less.

(Said parcel description is based on a preliminary survey of Alan Fagan and remains subject to correction and finalization.)

together with any easements and appurtenant servient estates, but subject to any reasonable easements of record for public utilities or roads, any zoning restrictions customary restrictive covenants and mineral reservations of record, if any, herein referred to as the "Property," upon the following terms and conditions provided BUYERS, on possession, are permitted to use the Property for commercial.

1. PURCHASE PRICE. The Purchase Price shall be **\$64,500.00** and the method of payment shall be as follows: **\$500.00** with this offer, to be deposited upon acceptance of this offer and held in trust by Heidman Law Firm as earnest money, to be delivered to the SELLERS upon performance of SELLERS' obligations and satisfaction of BUYERS' contingencies, if any; and the balance of the Purchase Price, as follows: **\$64,000 to be paid in cash at time of closing.**
2. REAL ESTATE TAXES. The parcel being sold is part of an irregularly shaped tract of land which consists of 3.42 acres in total. Taxes for the 2022/2023 tax year, due and payable in September 2023 and March 2024, totaled \$68.00. Additionally, there is a drainage assessment in the amount of \$20.25 covering the same time period. Sellers will pay the 2023/24 taxes and drainage assessment on the 3.42 acre parcel, due and payable in September 2024 and March 2025. Buyers will pay all subsequent taxes and drainage assessments on the 1.14 acre parcel.
3. SPECIAL ASSESSMENTS.
 - A. SELLERS shall pay in full at time of closing all special assessments which are a lien on the Property as of the date of acceptance.

B. BUYERS shall pay all other special assessments or installments not payable by SELLERS.

4. RISK OF LOSS. The property is bare ground. SELLERS shall bear the risk of loss or damage to the Property prior to closing or possession, whichever first occurs.
5. POSSESSION AND CLOSING. If BUYERS timely perform all obligations, possession of the Property shall be delivered to Buyers 30 days after final zoning approval, and any adjustments of rent, insurance, interest and all charges attributable to the SELLERS' possession shall be made as of the date of possession. Closing shall occur after the approval of title by BUYERS and vacation of the Property by SELLERS, but prior to possession by BUYERS. If possession is given on a day other than closing, the parties shall make a separate agreement with adjustments as of the date of possession. This transaction shall be considered closed upon the delivery of the title transfer documents to BUYERS and receipt of all funds then due at closing from BUYERS under the Agreement.
6. CONDITION OF PROPERTY. The property as of the date of this Agreement, will be preserved by the SELLERS in its present condition until possession, ordinary wear and tear excepted. SELLERS make no warranties, expressed or implied, as to the condition of the property.
7. ABSTRACT AND TITLE. SELLERS, at their expense, shall promptly obtain an abstract of title to the Property continued through the date of acceptance of this Agreement, and deliver it to BUYERS' attorney for examination. It shall show marketable title in SELLERS in conformity with this Agreement, Iowa law, and title standards of the Iowa State Bar Association. The SELLERS shall make every reasonable effort to promptly perfect title. If closing is delayed due to SELLERS' inability to provide marketable title, this Agreement shall continue in force and effect until either party rescinds the Agreement after giving ten days written notice to the other party. The abstract shall become the property of BUYERS when the Purchase Price is paid in full. SELLERS shall pay the costs of any additional abstracting and title work due to any act or omission of SELLERS, including transfers by or the death of SELLERS or their assignees. Unless stricken, the abstract shall be obtained from an abstracter qualified by the Guaranty Division of the Iowa Housing Finance Authority.
8. SURVEY. If a survey is required under Iowa Code Chapter 354, or city or county ordinances, SELLERS shall pay the costs thereof. BUYERS may, at BUYERS' expense prior to closing, have the property surveyed and certified by a registered land surveyor.
9. ENVIRONMENTAL MATTERS.
 - A. SELLERS warrant to the best of their knowledge and belief that there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Property, the Property does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and SELLERS have done

nothing to contaminate the Property with hazardous wastes or substances. SELLERS warrant that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks. SELLERS shall also provide BUYERS with a properly executed GROUNDWATER HAZARD STATEMENT showing no wells, private burial sites, solid waste disposal sites, private sewage disposal system, hazardous waste and underground storage tanks on the Property unless disclosed here: none.

10. DEED. Upon payment of the Purchase Price, SELLERS shall convey the Property to BUYERS by warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement. General warranties of the title shall extend to the time of delivery of the deed excepting liens and encumbrances suffered or permitted by BUYERS.
11. JOINT TENANCY IN PROCEEDS AND IN REAL ESTATE. If SELLERS, immediately preceding acceptance of the offer, hold title to the Property in joint tenancy with full rights of survivorship, and the joint tenancy is not later destroyed by operation of law or by acts of the SELLERS, then the proceeds of this sale, and any continuing or recaptured rights of SELLERS in the Property, shall belong to SELLERS as joint tenants with full rights of survivorship and not as tenants in common; and BUYERS in the event of death of any SELLER, agree to pay any balance of the price due SELLERS under this contract to the surviving SELLER and to accept a deed from the surviving SELLER consistent with Paragraph 14.
12. JOINDER BY SELLER'S SPOUSE. SELLER'S spouse, if not a title holder immediately preceding acceptance, executes this Agreement only for the purpose of relinquishing all rights of dower, homestead and distributive share or in compliance with Section 561.13 of the Code of Iowa and agrees to execute the deed or real estate contract for this purpose.
13. USE OF PURCHASE PRICE. At time of settlement, funds of the Purchase Price may be used to pay taxes and other liens and to acquire outstanding interests, if any, of others.
14. APPROVAL OF COURT. If the Property is an asset of an estate, trust or conservatorship, this Agreement is contingent upon Court approval unless Court approval is not required under Iowa law and title standards of the Iowa State Bar Association. If the sale of the Property is subject to Court approval, the fiduciary shall promptly submit this Agreement for such approval. If this Agreement is not so approved by _____ either party may declare this Agreement null and void, and all payments made hereunder shall be made to BUYERS.
15. REMEDIES OF THE PARTIES.
 - A. If BUYERS fail to timely perform this Agreement, SELLERS may forfeit it as provided in the Iowa Code (Chapter 656), and all payments made shall be

forfeited; or, at SELLERS' option, upon thirty days written notice of intention to accelerate the payment of the entire balance because of BUYERS' default (during which thirty days the default is not corrected), SELLERS may declare the entire balance immediately due and payable. Thereafter this Agreement may be foreclosed in equity and the Court may appoint a receiver.

B. If SELLERS fail to timely perform this Agreement, BUYERS have the right to have all payments made returned to them.

C. BUYERS and SELLERS are also entitled to utilize any and all other remedies or actions at law or in equity available to them, and the prevailing parties shall be entitled to obtain judgment for costs and attorney fees.

16. NOTICE. Any notice under this Agreement shall be in writing and be deemed served when it is delivered by personal delivery or mailed by certified mail, addressed to the parties at the addresses given below.

17. GENERAL PROVISIONS. In the performance of each part of this Agreement, time shall be of the essence. Failure to promptly assert rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. This Agreement shall apply to and bind the successors in interest of the parties. This Agreement shall survive the closing. This Agreement contains the entire agreement of the parties and shall not be amended except by a written instrument duly signed by SELLERS and BUYERS. Paragraph headings are for convenience of reference and shall not limit or affect the meaning of this Agreement. Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, neutral or other gender according to the context.

18. NO REAL ESTATE AGENT OR BROKER. Neither party has used the service of a real estate agent or broker in connection with this transaction.

19. CERTIFICATION. Buyers and Sellers each certify that they are not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Each party hereby agrees to defend, indemnify and hold harmless the other party from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to my breach of the foregoing certification.

20. INSPECTION OF PRIVATE SEWAGE DISPOSAL SYSTEM. Seller represents and warrants to Buyer that the Property is not served by a private sewage disposal system, and there are no known private sewage disposal systems on the property.

21. ADDITIONAL PROVISIONS.

A. BUYERS' obligation to purchase the property is contingent upon the property being rezoned from AP to AE. SELLERS will cooperate with BUYERS in the rezoning of the property. All expenses of the rezoning will be paid by BUYERS.

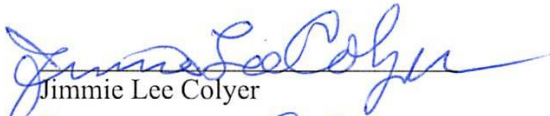
B. BUYERS acknowledge that the property they are purchasing is not a legal lot for building purposes and must be combined with their existing adjacent parcel of land, briefly described as Lot One (1) of Baker's Acres. BUYERS will undertake all necessary steps in order to apply for combination of this parcel into Lot One (1) of Baker's Acres.

C. In the event that Woodbury County requires filing of a minor subdivision plat, BUYERS will subdivide the property at their expense. SELLERS will cooperate with BUYERS in the subdividing of the property.

ACCEPTANCE. When accepted, this Agreement shall become a binding contract. If not accepted and delivered to BUYERS on or before _____, this Agreement shall be null and void and all payments made shall be returned immediately to BUYERS. If accepted by SELLERS at a later date and acceptance is satisfied in writing, then this contract shall be valid and binding.

Accepted _____
SELLERS

Dated _____
BUYERS
Sandra K. Baker Revocable Trust


Jimmie Lee Colyer

Renee T. Colyer

By: _____

1650 Old Highway 141
Sergeant Bluff, IA 51054
Telephone: _____

1997 Carroll Ave.
Sergeant Bluff, IA 51054
Telephone: _____

21. ADDITIONAL PROVISIONS.

A. BUYERS' obligation to purchase the property is contingent upon the property being rezoned from AP to AE. SELLERS will cooperate with BUYERS in the rezoning of the property. All expenses of the rezoning will be paid by BUYERS.

B. BUYERS acknowledge that the property they are purchasing is not a legal lot for building purposes and must be combined with their existing adjacent parcel of land, briefly described as Lot One (1) of Baker's Acres. BUYERS will undertake all necessary steps in order to apply for combination of this parcel into Lot One (1) of Baker's Acres.

C. In the event that Woodbury County requires filing of a minor subdivision plat, BUYERS will subdivide the property at their expense. SELLERS will cooperate with BUYERS in the subdividing of the property.

ACCEPTANCE. When accepted, this Agreement shall become a binding contract. If not accepted and delivered to BUYERS on or before _____, this Agreement shall be null and void and all payments made shall be returned immediately to BUYERS. If accepted by SELLERS at a later date and acceptance is satisfied in writing, then this contract shall be valid and binding.

Accepted _____
SELLERS

Dated Sandra K. Baker
BUYERS
Sandra K. Baker Revocable Trust

Jimmie Lee Colyer

By: _____

Renee T. Colyer

1650 Old Highway 141
Sergeant Bluff, IA 51054
Telephone: _____

1997 Carroll Ave.
Sergeant Bluff, IA 51054
Telephone: _____

LEGAL DESCRIPTION

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.

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 _____, 2024.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Matthew Ung, Chairman

Daniel Bittinger II, Vice-Chairman

Mark Nelson

Attest:

Keith Radig

Patrick F. Gill, Woodbury County Auditor

Jeremy Taylor

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 _____

ITEM ONE (1)

Property Owner(s): Jimmie Lee Colyer & Renee T. Colyer, 1650 Old Highway 141, Sergeant Bluff, IA 51054.

Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carroll Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee Colyer & Renee T. Colyer (Owners), 1650 Old Highway 141, Sergeant Bluff, IA 51054.

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 **September 23, 2024**, 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 a 1.14-acre portion of the property located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884726200002 and is described as:

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.

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.

There does not appear to be any conflicts with the Woodbury County Comprehensive Plan 2040.

(https://www.woodburycountyia.gov/files/community_economic_development/woodbury_county_comprehensive_plan_2040_89417.pdf).

This area is designated as rural residential on the future land use map thereby illustrating that this request is compatible with future land use goals and objectives. This rezone is not expected to change any existing land use other than transferring ownership from one party to another.

Current Land Use

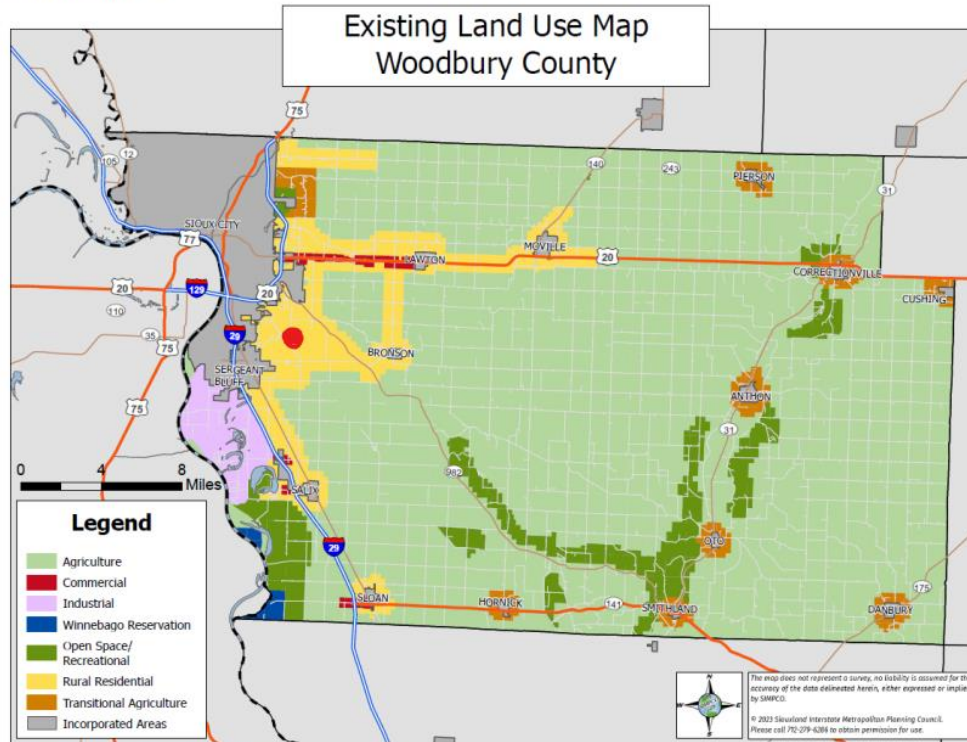
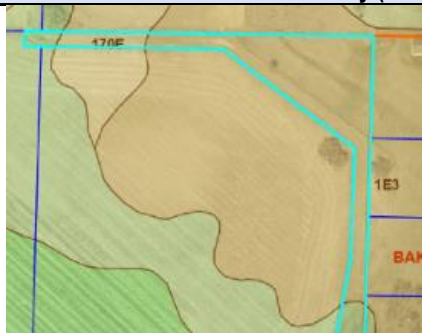


Figure 7.2. Existing Land Use Map, 2023.

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

There does not appear to be any conflicts with the policies and plans of other agencies based on the information received.

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



Summary

Parcel ID: 884726200002
 Gross Acres: 3.42
 ROW Acres: 0.00
 Gross Taxable Acres: 3.42
 Exempt Acres: 0.00
 Net Taxable Acres: 3.42
 Average Unadjusted CSR2: 40.53
 (Gross Taxable Acres - Exempt Land)
 (138.6 CSR2 Points / 3.42 Gross Taxable Acres)

Agland Active Contig: 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3.42	40.53	138.60	138.60
Non-Crop	0.00	0.00	0.00	0.00
Total	3.42		138.60	138.60

Soil Summary

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	0.58	51.62	51.62
100% Value	701	WILSEY SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	79.00	0.46	36.34	36.34
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.20	11.40	11.40
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	2.18	39.24	39.24
Total				3.42	138.60	138.60

	Compatibility with adjacent land uses.
	The rezone to AE is compatible with the area residential uses. The AE Zoning District retains much of the land use characteristics that are offered in the AP Zoning District. The major difference between the two is that AE allows for more than two houses in a quarter-quarter section. Additional homes in the area should not be adversely impacted by this change in zoning designation as this portion will be rezoned to the same designation in which they reside.
	Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.
	There does not appear to be any other additional compatibility issues with this location.
	Any other relevant factors.
	As noted in the summary, the applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and 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 portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because it does not meet the requirements of the Zoning and Subdivision Ordinance.

Sioux City Journal

AFFIDAVIT OF PUBLICATION

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

State of Florida, County of Orange, ss:

Kevin King, 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 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Sep. 12, 2024

NOTICE ID: UtdJi9EI2Lg4DH520f4c

PUBLISHER ID: COL-IA-500805

NOTICE NAME: ZC_Nuclear_Rezone_9_23_2024

Publication Fee: \$74.81

Kevin King

(Signed)

VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 09/13/2024

[Signature]

Notary Public

Notarized remotely online using communication technology via Proof.



PAMELA BAEZ
Notary Public - State of Florida
Commission # HF186700
Expires on October 14, 2025

**NOTICE OF PUBLIC HEARINGS
BEFORE THE WOODBURY
COUNTY ZONING COMMISSION**
The Woodbury County Zoning Commission will have a public hearing and will hold public hearings on the following items hereafter described in detail on September 23, 2024 at 5:00 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 9th 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 712-564-1133 and enter the Conference ID 638 386 5374 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, 9th floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Email should be sent to: Daniel Miesley at: dmiesley@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Wednesday, September 18, 2024.

Item One (1)
Nuclear Energy Facilities Zoning Ordinance Text Amendments
The Woodbury County Zoning Commission will hold a public hearing to consider Zoning Ordinance Text Amendments for the addition of nuclear energy as land use options in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy. Possible options may include to amend the Land Use Summary Table of Allowed Uses (Section 3.3.3.4) by adding nuclear energy and/or nuclear energy facilities as permitted allowed uses or conditional uses in or on, and/or Woodbury County zoning districts. Zoning Ordinance Text Amendments may also be discussed pertaining to the addition of new sections pertaining to nuclear energy, nuclear energy facilities, definitions, the renumbering and reorganization of current within the zoning ordinance.

Item Two (2)
Zoning Ordinance Map Amendment (Rezoning)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezoning) to the Woodbury County zoning Ordinance and/or Map to the Unincorporated Area of Woodbury County, Iowa by Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carroll Avenue, Sergeant Bluff, IA 51054, & Jimmie Lee Coyer & Renee T. Coyer (Owners), 1601 Old Highway 141, Sergeant Bluff, IA 51054.

The proposal is to rezone from the Agricultural Preservation (AP) zoning district to the Agricultural Estates (AE) Zoning District for a 1.14-acre portion of the property located in the NW 1/4 of the NE 1/4 of Section 26, T88N R27W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GSD Parcel #66470520002 and is described as:

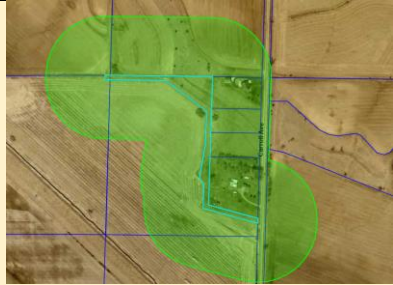
PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 27 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF LOT 1, RANKERS ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA, THENCE S.0001 E.E. ALONG THE WEST LINE OF SAID LOT 1 FOR 207.10 FEET TO THE S.W. CORNER OF SAID LOT 1, THENCE N.55°43'07"W FOR 380.56 FEET, THENCE N.70°11'59"W FOR 40.02 FEET TO THE NORTH LINE OF SAID NW 1/4 OF THE NE 1/4, THENCE N.80°27'07" ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID NW 1/4 OF THE NE 1/4 IS ASSUMED TO BEAR N.88°42'07"E.

Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carroll Avenue, Sergeant Bluff, IA 51054

& Jimmie Lee Colyer & Renee T. Colyer (Owners),
1650 Old Highway 141, Sergeant Bluff, IA 51054.
Petitioner Applicant(s): Sandra K. Baker Revocable
Trust (Sandra K. Baker - Applicant), 1997 Carroll
Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee
Colyer & Renee T. Colyer (Owners), 1650 Old
Highway 141, Sergeant Bluff, IA 51054.
OOL-IA-500805

PROPERTY OWNER(S) NOTIFICATION

Total Property Owners within 1000 FT via Certified Abstractor's Listing:	9	
Notification Letter Date:	September 9, 2024	
Public Hearing Board(s):	Zoning Commission & Board of Supervisors	
Public Hearing Date:	September 23, 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
Jimmie Lee Colyer and Renee T. Colyer	1650 Old Hwy 141	Sgt. Bluff	IA	51054		No comments received.
James E. Waddell, Joseph F. Waddell, and Judith Scheer	3183 Tyler Court	Sioux Falls	SD	57103-6562		No comments received.
Bradley R. Jochum, Angela M. Jochum, Timothy Ryan McWilliams, and Stacey L. McWilliams	2498 Carroll Ave.	Salix	IA	51052		No comments received.
Trustees of the Sandra K. Baker Revocable Trust	1997 Carroll Ave.	Sgt. Bluff	IA	51054-8042		No comments received.
Alexis M. Moore and Dylan M. Moore	2616 So. Cornelia St.	Sioux City	IA	51106		No comments received.
Richard G. Speed and Cindy S. Speed	2009 Carroll Ave.	Sgt. Bluff	IA	51054-8042		No comments received.
Wendel Real Estate, LLC	26638 Wirt Plaza	Waterloo	NE	68069-5860		No comments received.
Iowa Natural Heritage Foundation	505 5th Ave., Ste. 444	Des Moines	IA	50309		No comments received.
Richardson Family Farms, LLC	421 E. Main St.	Lawton	IA	51030		No comments received.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments received.
CITY OF ANTHON:	No comments received.
FIBERCOMM:	No comments received.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments received.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments received.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments received.
LOESS HILLS PROGRAM:	No comments received.
LOGLINES:	No comments received.
LUMEN:	No comments received.
MAGELLAN PIPELINE:	No comments received.
MILLER TOWNSHIP:	No comments received.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed rezoning application for MEC electric and we have; No conflicts. – Casey Meinen, 9/4/24.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments received.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments received.
NORTHERN NATURAL GAS:	No comments received.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 9/10/24.
NUSTAR PIPELINE:	No comments received.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments received.
WIATEL:	No comments received.
WINNEBAGO TRIBE:	Thank you for your Section 106 correspondence regarding this project. While it has been determined that this project will not impact any identified sites, it is situated on or near land historically inhabited or traversed by our ancestors. Should any findings arise, please reach out to THPO Sunshine Thomas-Bear at (402) 257-

	5587 or via e-mail at sunshine.bear@winnebago-tribe.com . Should you have any inquiries, do not hesitate to contact our office. – Gayla Whitewater, 9/3/24.
WOODBURY COUNTY ASSESSOR:	No comments received.
WOODBURY COUNTY CONSERVATION:	No issues here. – Daniel Heissel, 9/3/24.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments received.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments received.
WOODBURY COUNTY ENGINEER:	I have no concerns with the proposed zoning change. It would appear to be consistent with the adjacent land zoning and use. – Mark Nahra, 9/11/24.
WOODBURY COUNTY RECORDER:	No comments. Thank you. – Diane Swoboda Peterson, 9/3/24.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments received.
WOODBURY COUNTY SHERIFF:	No comments received.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed rezoning request. 9/5/24.
WOODBURY COUNTY TREASURER:	No comments received.

Woodbury County, IA / Sioux City

Summary

Parcel ID 884726200002
 Alternate ID 826876
 Property Address N/A
 Sec/Twp/Rng 26-88-47
 Brief AN IRREG TCT BEG @ NW CORNER NWNE THEC E865.52' THEC S1088.06' THEC SELY469.25' THEC S40' THEC NE NE510.31' THEC N201.50' THEC NW69.64' THEC NELY279.94' THEC N289.21' THEC NW431.87' THEC W469.68' THEC N40' TO PT OF BEG: NENE & N40' E45' NENW 3.450 ACRES
 Tax Description (Note: Not to be used on legal documents)
 Deed Book/Page 702-854(2/16/2009)
 Gross Acres 3.42
 Net Acres 3.42
 Adjusted CSR Pts 138.6
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0039 WOODBURY/SB/L
 School District SGT BLUFF LUTON
 Neighborhood N/A

Owner

Deed Holder
[COLYER JIMMIE LEE & RENEE T COLYER](#)
[1650 OLD HIGHWAY 141](#)
 SERGEANT BLUFF IA 51054
 Contract Holder
 Mailing Address
 COLYER JIMMIE LEE & RENEE T COLYER
 1650 OLD HIGHWAY 141
 SERGEANT BLUFF IA 51054

Land

Lot Area 3.42 Acres; 148,975 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
2/16/2009	COLYER MINNIE LORENA,% MINNIE LORENA COLYER ESTATE	COLYER JIMMIE LEE & RENEE T	702/854	Fulfillment of prior year contract	Deed		\$0.00
1/16/2009	COLYER EDWARD F SR & MINNIE L	COLYER JIMMIE LEE & RENEE T	701/6449	No consideration	Deed		\$0.00
6/24/2004	COLYER EDWARD F SR & MINNIE L	COLYER JIMMIE LEE & RENEE T	648/1147	NORMAL ARMS-LENGTH TRANSACTION	Contract		\$200,000.00

☐ Show There are other parcels involved in one or more of the above sales:

Valuation

	2024	2023	2022	2021	2020
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310

Sioux City Special Assessments and Fees

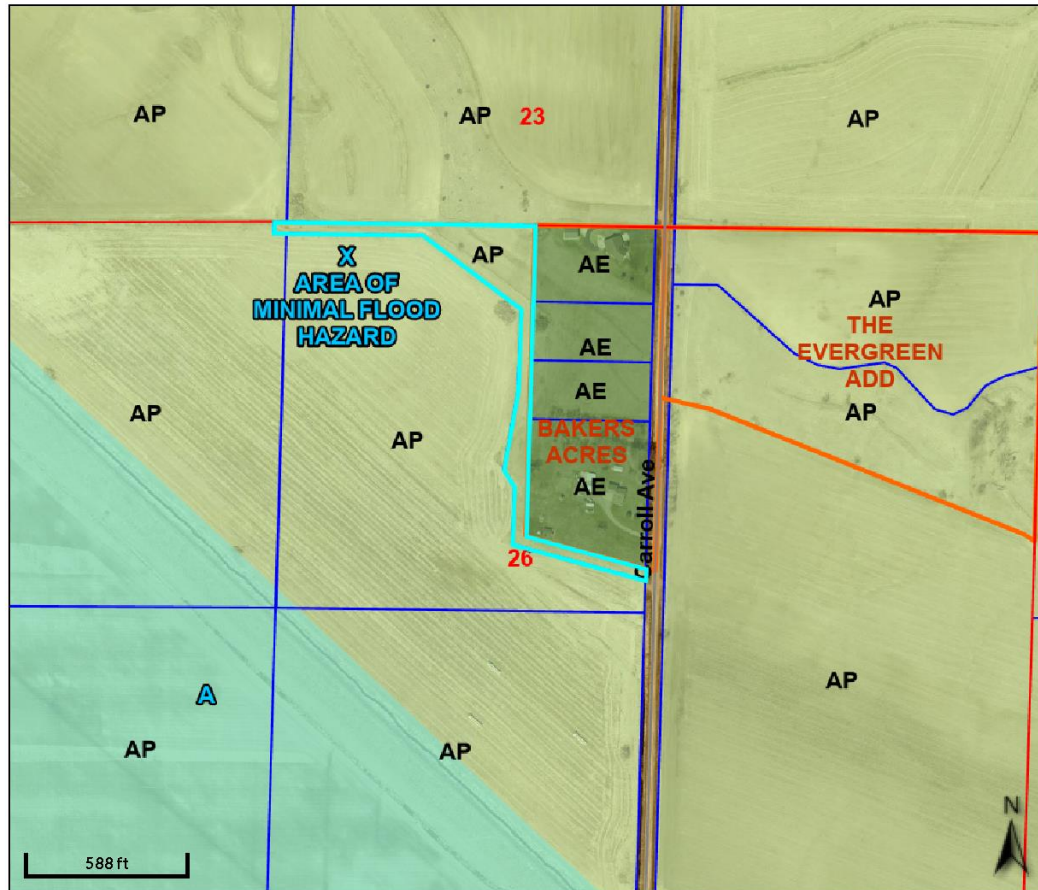
[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

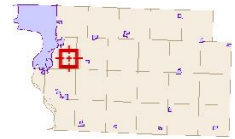
Apply for Homestead, Military or Business Property Tax Credits

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

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

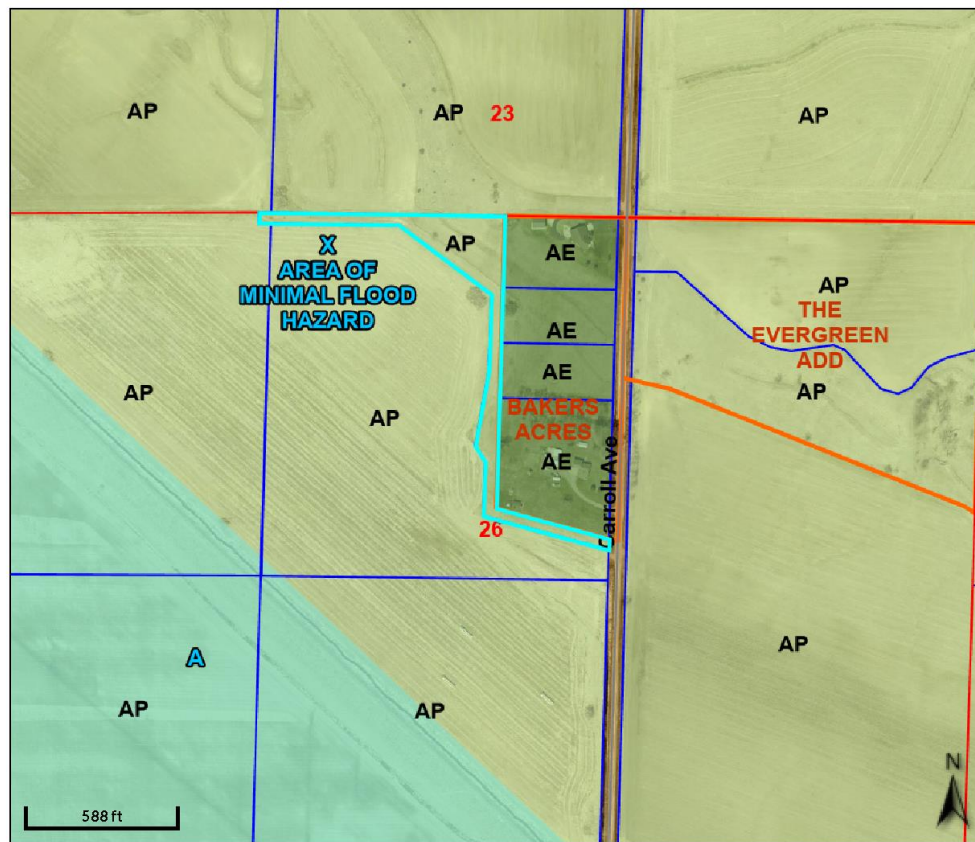
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Subdivisions
- ▭ Parcels
- County Zoning
 - AE
 - AP
 - GC
 - GC-PD
 - GI
 - LI
 - LI-PD
 - SR
 - WR

Parcel ID	884726200002	Alternate ID	826876	Owner Address	COLYER JIMMIE LEE & RENEE T COLYER
Sec/Twp/Rng	26-88-47	Class	A		1650 OLD HIGHWAY 141
Property Address		Acreage	3.42		SERGEANT BLUFF, IA 51054
District	0039				
Brief Tax Description	AN IRREG TCT BEG @ NW CORNER NWNE THEC E865.52' THEC S1088.06' THEC SELY469.25' THEC S40' THEC NE NE510.31' THEC N201.50' THEC NW69.64' THEC NELY279.94' THEC N289.21' THEC NW431.87' THEC W469.68' THEC N40' TO PT OF BEG: NENE & N40' E45' NENW 3.450 ACRES				
	(Note: Not to be used on legal documents)				

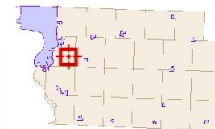
Date created: 8/30/2024
Last Data Uploaded: 8/30/2024 3:35:16 PM

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SPECIAL FLOOD HAZARD AREA (SFHA) MAP



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Subdivisions
- Parcels
- County Zoning**
- AE
- AP
- GC
- GC-PD
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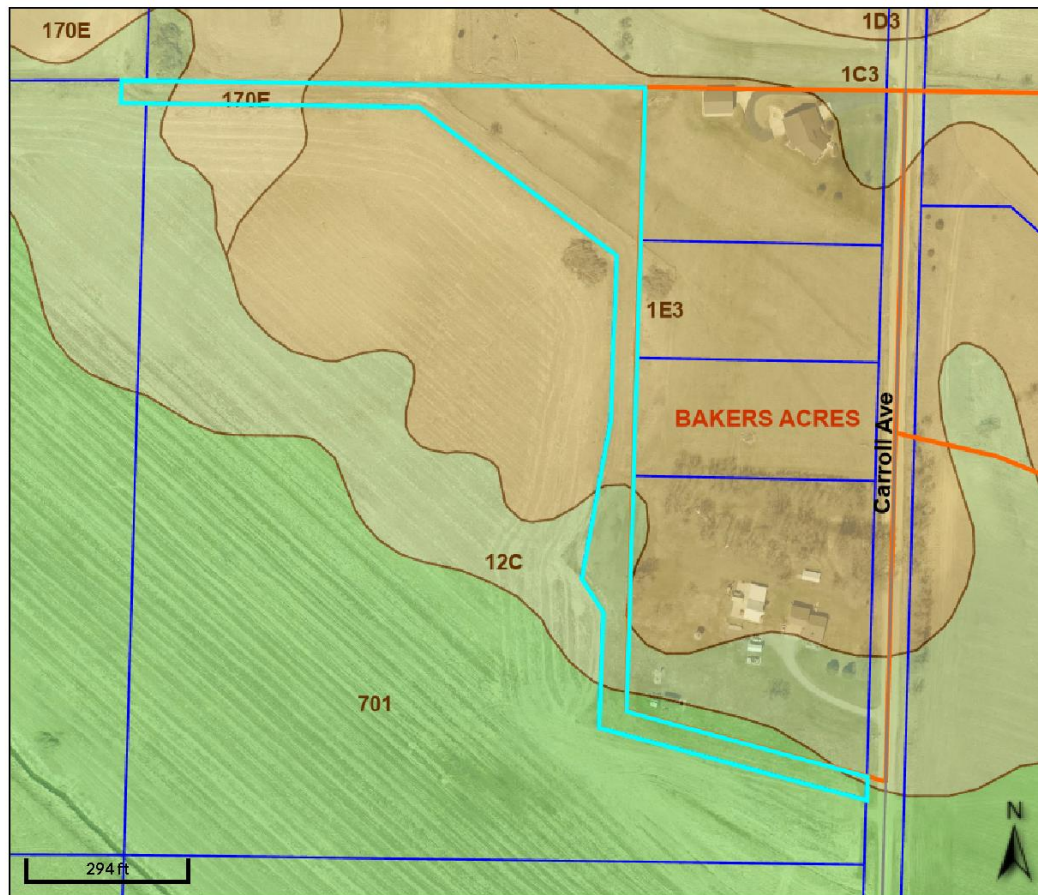
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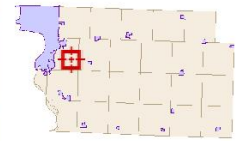
BASE FLOOD ELEVATION DATA

Not in floodplain. No data to report.

Beacon™ Woodbury County, IA / Sioux City



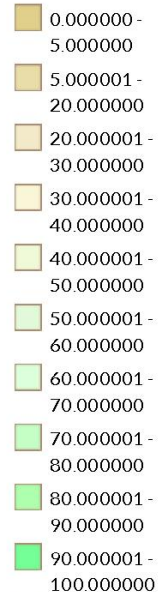
Overview



Legend

— Roads

Soils



□ Corp Boundaries

□ Townships

□ Subdivisions

□ Parcels

Parcel ID	884726200002	Alternate ID	826876	Owner Address	COLYER JIMMIE LEE & RENEE T COLYER
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SOIL REPORT(S)

Woodbury County, IA / Sioux City

Summary

Parcel ID	884726200002
Gross Acres	3.42
ROW Acres	0.00
Gross Taxable Acres	3.42
Exempt Acres	0.00
Net Taxable Acres	3.42
Average Unadjusted CSR2	40.53
	(Gross Taxable Acres - Exempt Land)
	(138.6 CSR2 Points / 3.42 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3.42	40.53	138.60	138.60
Non-Crop	0.00	0.00	0.00	0.00
Total	3.42		138.60	138.60

Soil Summary

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	0.58	51.62	51.62
100% Value	701	WILSEY SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	79.00	0.46	36.34	36.34
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.20	11.40	11.40
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	2.18	39.24	39.24
Total				3.42	138.60	138.60

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Contact Us

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ELEVATION MAP

