

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

Date: 9/14/23

Weekly Agenda Date: 9/19/23 4:45

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

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation to approve Rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on Parcel #884506200006 (Lot 2 Boyle's Addition) for Richard & Kimberly Luze. b. Conduct Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE. c. Approve the 1st Reading of the Ordinance (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 Richard & Kimberly Luze's 18.53-acre property located on Parcel #884506200006, Lot 2 of Boyle's Addition, Section 6 (Moville 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:

Richard and Kimberly Luze (Applicants/Owners) have filed a Zoning Ordinance Map Amendment application with Woodbury County to request for their property (Parcel #884506200006) to be rezoned from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District. The applicants are making this request to pursue an eventual split of their parcel to facilitate the ability to add a neighboring single-family dwelling in the future as there are presently two houses located within the existing quarter-quarter section. The split will likely consist of approximately three acres from the existing 18+ acres. This will be initiated at a future date. The neighbors within 1000 FT have been notified via a August 23, 2023 letter about the September 11, 2023 Zoning Commission public hearing and were informed about the three scheduled public hearings before the Board of Supervisors. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. This requested zoning change is compliant with the future land use map of Woodbury County's development plan as this area is designed within the rural residential area. Following a public hearing, the Woodbury County Zoning Commission voted 4-0 to recommend approval of the Zoning Ordinance Map Amendment (rezone) change from Agricultural Preservation (AP) to Agricultural Estates (AE) at their special meeting held at the Moville Area Community Center on September 11, 2023.

Parcel #:884506200006
Township/Range: T88N R45W (Moville)
Section: 6
Subdivision: Boyle's Addition
Lot: 2
Acres: 18.53
Zoning District: Agricultural Preservation
Floodplain District: X (Not in Floodplain)
Legal Description: Lot Two (2), Boyle's Addition, Woodbury County, Iowa
Address: 2480 Hwy 20, Lawton, IA 51030

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 9/11/23 meeting.

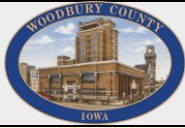
Open and close the public hearing. (Set Time: 4:45 PM)

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, 9/26/23 at 4:45 PM, and Tuesday, 10/3/22 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

- a. Receive final report-Zoning Commission recommendation to approve Rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on Parcel #884506200006 (Lot 2 Boyle's Addition) for Richard & Kimberly Luze.
- b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone Parcel #884506200006 from AP to AE. (Set Time: 4:45 PM)
- c. Motion to Approve the 1st Reading of the Ordinance - Zoning Ordinance Map Amendment (Rezone).



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

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

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

FINAL REPORT – SEPTEMBER 14, 2023

ZONING ORDINANCE MAP AMENDMENT PROPOSAL (REZONE PARCEL #884506200006 to AE)

Application Details

Applicant(s)/Owner(s):	Richard & Kimberly Luze
Application Type:	Zoning Ordinance Map Amendment
Current Zoning District:	Agricultural Preservation
Requested Zoning District:	Agricultural Estates
Current Use:	Residential
Proposed Use:	Residential
Average CSR Rating:	NRCS Document Included
Engineer/Surveyor:	Alan Fagan (712-539-1471)
Pre-application Meeting:	July 25, 2023
Application Date:	August 1, 2023
Stakeholder Notification:	August 4, 2023
Neighbors' Notification:	August 23, 2023
Legal Publication:	August 29, 2023
Zoning Commission Public Hearing:	September 11, 2023
Board of Supervisors Public Hearings:	September 19, 26, and October 3 at 4:45 PM

Property Details

Parcel #:	884506200006
Township/Range:	T88N R45W (Moville)
Section:	6
Subdivision:	Boyle's Addition
Lot:	2
Acres:	18.53
Zoning District:	Agricultural Preservation
Floodplain District:	X (Not in Floodplain)
Legal Description:	Lot Two (2), Boyle's Addition, Woodbury County, Iowa
Address:	2480 Hwy 20, Lawton, IA 51030

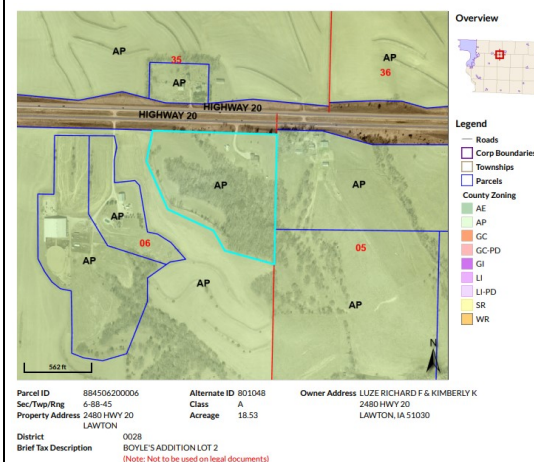
Contents

	Application Details, Summary, Aerial, Future Land Use, and Zoning Commission Recommendation & Minutes
	Application
	Ordinance
	Review Criteria
	Legal Notification
	Stakeholder(s) Comments and Neighbor(s) Notification
	Supporting Documentation

SUMMARY

Richard and Kimberly Luze (Applicants/Owners) have filed a Zoning Ordinance Map Amendment application with Woodbury County to request for their property (Parcel #884506200006) to be rezoned from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District. The applicants are making this request to pursue an eventual split of their parcel to facilitate the ability to add a neighboring single-family dwelling in the future as there are presently two houses located within the existing quarter-quarter section. The split will likely consist of approximately three acres from the existing 18+ acres. This will be initiated at a future date. The neighbors within 1000 FT have been notified via a August 23, 2023 letter about the September 11, 2023 Zoning Commission public hearing and the three scheduled Board of Supervisors public hearings. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. This requested zoning change is compliant with the future land use map of Woodbury County's development plan as this area is designed within the rural residential area. Following a public hearing, the Woodbury County Zoning Commission voted 4-0 to recommend approval of the Zoning Ordinance Map Amendment (rezone) change from Agricultural Preservation (AP) to Agricultural Estates (AE) at their special meeting held at the Moville Area Community Center on September 11, 2023

AERIAL VIEW



FUTURE LAND USE MAP EXCERPT (Rural Residential – Yellow)



ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION

Following a public hearing, the Woodbury County Zoning Commission voted 4-0 to recommend approval of the Zoning Ordinance Map Amendment (rezone) change from Agricultural Preservation (AP) to Agricultural Estates (AE) at their special meeting held at the Moville Area Community Center on September 11, 2023. 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 also recommends approval.

Minutes - Woodbury County Zoning Commission Special Meeting – September 11, 2023

The Zoning Commission (ZC) special meeting convened on the 11th of September at 5:00 PM at the Merville Community Center in Merville, Iowa. The meeting was also made available via teleconference.

ZC Members Present:	Chris Zant, Corey Meister, Jeff O'Tool, Tom Bride
County Staff Present:	Dan Priestley, Dawn Norton
Public Present:	Angie Heck, Tony Heck, Kim Luze, Rich Luze, Vicki Atwell, Steve Mrla, Leo Jochum, Bev Jochum, Janet Yanak, Tony Yanak, Dennis Ragan, JoAnn Sadler, Zach Hummel, Wally Wagner, John Johnston, Jeremy Taylor, Kevin Heck, Kyle Gates, Eric Nelson, Elizabeth Widman, Rebekah Moerer, Genise Hallowell, Kalyn Heetland, Josh Heetland, Elisabeth Cendejas, Jesus Cendejas, Robert Knaack, Greg Jochum, Brad Jochum, Tom Jochum, Bob Fritzmeier

Call to Order

Chair Chris Zant formally called the meeting to order at 5:00 PM. Four Commissioners were present. Commissioner Parker was absent.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – July 24, 2023

O'Tool motioned to approve the minutes from July 24, 2023. Second: Bride. Motion carried: 4-0.

Formal approval of Zoning Commission Rules of Procedure

At the July 24, 2023 meeting of the Zoning Commission, the rules of procedure were approved and sent to the Board of Supervisors who voted to approve the rules on August 8, 2023. Motion to formally adopt the rules and authorize the chair to sign the Rules of Procedure by Meister. Second: O'Tool. Motion carried: 4-0.

Public Hearing: Proposed Janet Heck Subdivision (Parcel #874724300005)

Priestley read the preliminary report and staff recommendation into the record. Kevin Heck, executor for Janet K. Heck has filed for a one (1) lot minor subdivision on the property identified as Parcel #8747243000005. This subdivision is being completed to separate the house location from the farm ground. This agricultural subdivision proposal has been properly noticed in the Sioux City Journal legal section on August 29, 2023. The neighbors within 1000 FT have been duly notified via an August 23, 2023 letter about the September 11, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA) – Zone A. The City of Salix waived their extraterritorial review authority with the approval of Resolution No. 2023-20. The area of the subdivision is less than 5 acres and the Base Flood Elevation (BFE) data is not required. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to close public hearing: O'Tool. Second: Bride. Carried: 4-0. Motion to recommend the approval to the Board of Supervisors as proposed: O'Tool. Second: Meister. Motion carried: 4-0.

Public Haring: Proposed Zoning Ordinance Map Amendment (Rezoning) (Parcel #884506200006)

Priestley read into record the preliminary report and staff recommendation. Richard and Kimberly Luze (Applicants/ Owners) have filed a Zoning ordinance Map Amendment application with Woodbury County to request their property (Parcel #884506200006) be rezoned from Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District. The applicants are making this request to pursue an eventual split of their parcel to facilitate the ability to add a neighboring single-family dwelling in the future as there are presently two houses located within the existing quarter-quarter section. The split will likely consist of approximately three acres from the existing 18+ acres. This will be initiated at a future date. The neighbors within 1000 FT have been notified via an August 23, 2023 letter about the September 11, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. This requested zoning change is compliant with the future land use map of Woodbury County's development plan as this area is designated within the rural residential area. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. Priestley has received some phone inquiries regarding future land uses. A Neighboring landowner spoke with concerns of possible subdivisions and increasing density. Priestley stated with Hwy 20 abutting the land, the state

would likely not allow more driveways off Hwy 20. If additional land splits were requested through a subdivision application, there would be public conversations and meetings. Ms. Atwell expressed concerns if a subdivision would go in and how it could affect her cattle farming. Bride stated it would have no impact on what she is currently doing and stated communication between landowners is important. Steve Mrla stated DOT could build a frontage road which would allow more access. Bride discussed how eliminant domain should not be used for private use. Bride motioned to close public hearing. Second: Meister. Carried: 4-0. Motion to recommend the approval to the Board of Supervisors as proposed: Meister. Second: Bride. Motion carried: 4-0.

Public Hearing: Utility-Scale Solar Systems – Consideration of Solar Ordinances for Recommendation(s) to the Board of Supervisors

Priestley read into the record the direction by the Woodbury County Board of Supervisors that occurred on August 8, 2023 for Planning and Zoning and the Zoning Commission to establish/examine a new ordinance as it relates to utility-scale solar systems. The purpose of this public hearing is to receive comments from the public about solar energy systems not limited to utility-scale solar systems, agrisolar or agrivoltaics, and community solar systems as the Commission works toward preparing a recommendation for a proposed ordinance or amendments to the Woodbury County Zoning ordinance to address the permitting process for such systems in industrial and/or agricultural areas. The Board of Supervisors have indicated that "if the county was to engage in utility-scale solar, at minimum, the county should consider this only if the following is met":

- A conditional use permit for AP "C" with Planning and Zoning and Board of Adjustment to be able to site-specifically take into consideration the concerns of neighbors, land/sol, and other factors when approving permit.
- A slope of no more than 5% in order to preserve the land and to account for soil erosion, compaction, and future land stewardship.
- A maximum height of no more than 20' for panel structures.
- Of all AP, no more than 49% can be in such a project. In short, 51% must be for agricultural production or no longer considered "AP."
- Utility solar can be no more than 2% of all AP "agricultural preservation," preserving 98% of AP. This equates to approximately 8,540 acres of the 427,000 acres of ag land, ag land constituting 75% of the 570,000 total acres in Woodbury County.
- Current notification for utility-scale solar shall be 1 mile for public comment instead of 500 feet.
- A requirement (or at least strong consideration) that the utility-scale solar project either be on a landowner's property or that the owner of the land be a resident of Woodbury County.

Priestley identified additional comments/resources that were received after the printing of the Zoning Commission agenda packet with backup materials. In particular, resources were received from the Center of Rural Affairs, the Northwest Iowa Power Cooperative (NIPCO), the Woodbury County Rural Electric Cooperative, and the Iowa Land & Liberty Coalition. Additionally, Priestley provided a copy of a map illustrating soil content with less than 5% slopes in comparison with soils with CSR2 ratings greater than 65 and 75. Priestley then offered a summary of potential approaches that could be taken to craft an ordinance including which entity would be in charge of the permitting. Looking at other counties, there is a mix of permitting utility-scale solar based on a conditional use permit via the Zoning Commission and Board of Adjustment in comparison with a standalone home rule ordinance where the Board of Supervisors are the permitting body. Priestley indicated that the following concepts would be up for discussion as an ordinance is considered: Certified Abstractor's Listing – Public Notification Area; Site Plan; Setbacks; Height; Protected Areas; Slope; Landscaping/Buffer/Screening; Fencing/Security; Signage; Lighting; Noise; Outdoor Storage; Utility Plan / Utility Connections / Agreements; Floodplain; Habitat and Natural Resource Considerations; Solar Glare Minimization; Weed Control; Grading Plan; Compliance with applicable laws (local, state, federal); Access; Road Use; Aviation Protection; Maintenance, Repair, or Replacement / Repowering; Waste; Soil Erosion / Sediment Control; Stormwater Management; Administration / Enforcement / Violations; Emergency Management; Timeline; Safety; Abandonment / Cessation of Operations; Decommissioning and Reclamation; Fees; Agrivoltaics / Agrisolar; Community Solar Systems; Concentrating Solar Power; Solar definitions; Etc.

The following paraphrased public comments were offered:

Greg Jochum (Salix) addressed the Commission regarding the differences between CSR1 and CSR2 as well as height.

Brad Jochum (Plymouth County) addressed the Commission regarding out of county ownership.

Tom Jochum (Sgt. Bluff) addressed the Commission regarding the advantages of solar.

Eric Nelson (Motive) addressed the Commission regarding solar as a commercial/industrial entity.

Ron Wood (Salix) addressed the Commission regarding the need for solar power generation for growth.

Elizabeth Widman (Sgt. Bluff) addressed the Commission regarding the stewardship and protection of agricultural land from solar development

Bob Fritzmeier (Sioux City) addressed the Commission regarding how solar installations help soil to rejuvenate and help the wildlife population.

Leo Jochum (Salix) addressed the Commission regarding renewable energy rates, vegetation for screening, capping AP land at 2%, and soil rejuvenation.

Kim Alexander (Smithland) addressed the Commission regarding money as a principal purpose for solar.

Will Dougherty (Urbandale) addressed the Commission on how MidAmerican works with various stakeholders as they pursue solar projects and offered an opportunity to tour the Port Neal solar site.

Ann Johnston (Salix) addressed the Commission with concerns on the impact of the farm ground and keeping the land the way it is.

Wally Kuntz (Motive) addressed the Commission inquiring about the tax income.

Supervisor Jeremy Taylor (Sioux City) addressed the Commission and responded to Mr. Kuntz's inquiry about generation usage tax.

Bride asked Will Dougherty from MidAmerican where the largest project was in Iowa, Dougherty stated Holiday Creek, north of Fort Dodge has an 800-acre, 100 M/Watt project. 8 acres generally produces 1 M/Watt.

Bride asked if there has been any requests to the Iowa Utilities Board for eminent domain for a commercial solar project.

Eric Nelson asked Dougherty about storage of excess power. Dougherty stated it is not an on-demand system. The grid goes where needed first, then to next load center. Port Neal is a on-demand system. Dougherty stated coal system is used as a back up to solar.

Motion to close public hearing: Meister. Second: O'Tool. Carried: 4-0.

Priestley thanked the attendees for their comments and questions. The information gathered will be taken into consideration as a proposal is prepared and possibly recommended by the Zoning Commission that would eventually go to the Board of Supervisors for up to three hearings. The next meeting of the Zoning Commission will be held on Monday, September 25 at 5:00 PM in the basement meeting room of the Woodbury County Courthouse where the Board of Supervisors meet.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the minor subdivision and rezone that were recommended this evening will be sent to the Board of Supervisors for consideration at future meeting(s).

Adjourn

Motion by Bride to adjourn; Second by O'Tool. Carried: 4-0. Adjourned: 6:34 p.m.



OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance
Section 2.02(4)
Page 1 of 8

Rezoning Application & Zoning Ordinance Map Amendment

Owner Information: Owner <u>Richard + Kimberly K. Luze</u> Address <u>2480 Hwy 20</u> <u>Lawton IA 51030</u> Phone <u>712-899-0024 712-560-5107</u>	Applicant Information: Applicant <u>Richard + Kimberly Luze</u> Address <u>2480 Hwy 20</u> <u>Lawton IA 51030</u> Phone <u>712 899-0024 712-560-5107</u>
Engineer/Surveyor <u>Al Fagan</u> Phone <u>712 938-2228</u> ^{cell} <u>712 539-1411</u>	
Property Information: Property Address or Address Range <u>2480 Highway 20, Lawton, IA 51030</u> Quarter/Quarter <u>Lot 2 Boyle Addition</u> Sec <u>6</u> Twship/Range <u>88 45 48 44</u> Parcel ID # <u>884506200006</u> or GIS # <u>NE NE AP 2750-Map-X</u> Total Acres <u>18.53</u> Current Use <u>Residential</u> Proposed Use <u>Residential</u> <u>mobile</u> Current Zoning <u>Agricultural Preservation</u> Proposed Zoning <u>Agricultural Estates</u> Average Crop Suitability Rating (submit NRCS Statement) <u>See attached</u>	
<p>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).</p> <p>A formal pre-application meeting is recommended prior to submitting this application.</p> <p>Pre-app mtg. date <u>7/25/2023</u> Staff present <u>Dan Priestly</u></p> <p>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.</p> <p>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.</p>	
Owner <u>Kimberly K. Luze</u> Date <u>8/1/2023</u>	Applicant <u>Kimberly K. Luze</u> Date <u>8/1/2023</u>
Fee: <u>\$400</u> Case #: <u>6914</u> Check #: <u>5636</u> Receipt #: _____	

Woodbury Co Treasurer



We, the owners of 2480 Highway 20, Lawton, IA, would like to amend the zoning of said property from Agricultural Preservation to Agricultural Estates. This would permit us to pursue a split of the current parcel/property. We would like to separate our current residence and approximately 3 acres from the remainder 15+ acres of the property for an additional residence to be built on in the future.


(Richard F Luze)

8/1/2023
(Date)


(Kimberly K Luze)

8/1/2023
(Date)

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 _____, 2023.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Matthew Ung, Chairman

Jeremy Taylor, Vice Chairman

Daniel Bittinger II

Mark Nelson

Keith Radig

Attest:

Patrick Gill, Woodbury County Auditor

Adoption Timeline: Public Hearing and 1st Reading: Public Hearing and 2nd Reading: Public Hearing and 3rd Reading: Adopted: Effective:
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ITEM ONE (1)

Property Owner(s): Richard F. Luze and Kimberly K. Luze, 2480 Hwy 20, Lawton, IA 51030.
Property Address, 2480 Hwy 20, Lawton, IA 51030.

Petitioner Applicant(s): Richard F. Luze and Kimberly K. Luze, 2480 Hwy 20, Lawton, IA 51030.

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 11, 2023**, 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 18.526-acres located on Lot Two (2), Boyle's Addition, Woodbury County, Iowa, Section 6, T88N R45W (Moville Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884506200006 and is described as:

Lot Two (2), Boyle's Addition, Woodbury County, Iowa

EVALUATION CRITERIA

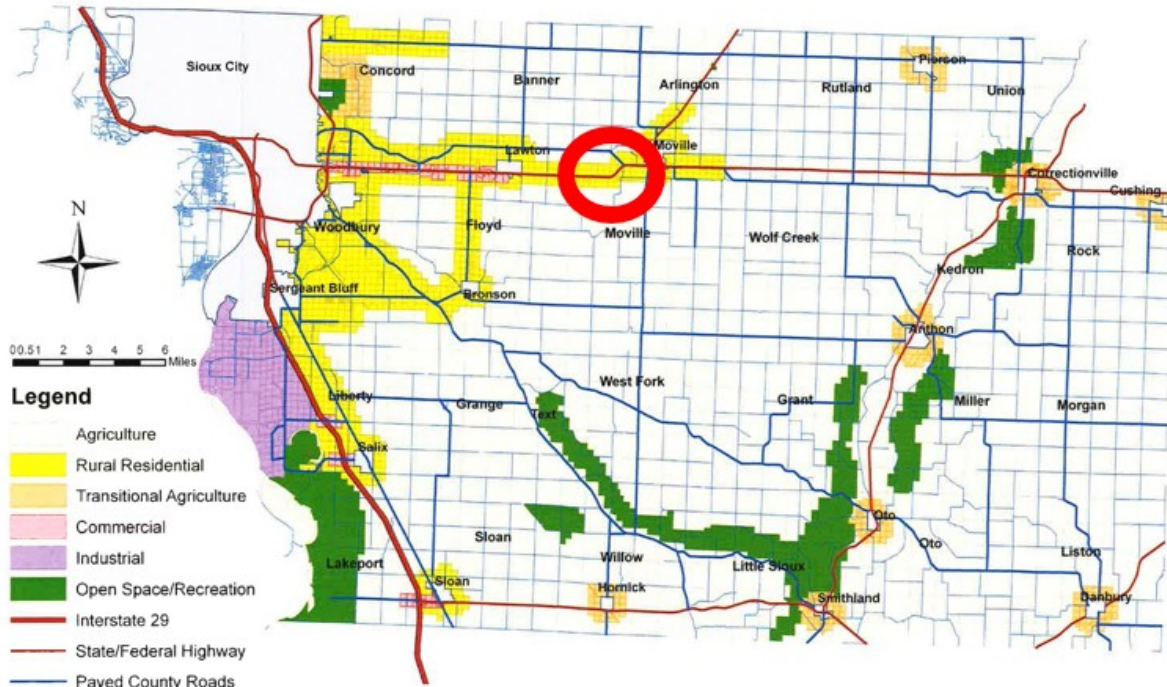
The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

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 Rural Residential. The parcel is currently zoned Agricultural Preservation (AP) and the request is to change to Agricultural Estates (AE). The request conforms to the goals and objectives of the general development plan as it relates to the following land use goals:

- **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.
- **Land Use Goal 1.2:** Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.

Future Land Use Map



Planning for 2025

The Woodbury County General Development Plan

Adopted November 22, 2005

EFFECTIVE PLAN (ABOVE)

Future Land Use

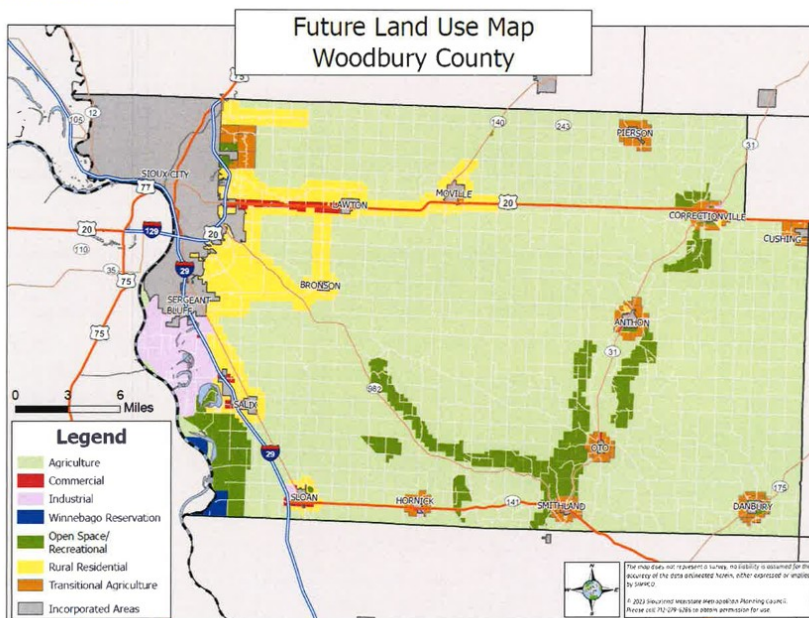



Figure 7.4 Future land use map

DRAFT PLAN FOR 2040 (ABOVE - NOT ADOPTED)

The proposed amendment is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 18.526-acres located on Lot Two (2), Boyle's Addition, Woodbury County, Iowa. Section 6, T88N R45W (Mowile Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #B46509200006 and is described as: Lot Two (2), Boyle's Addition, Woodbury County, Iowa.

Owner(s)/Applicant(s): Richard F. Luze and Kimberly K. Luze, 2490 Hwy 20, Lawton, IA 51303.

PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 1000 FT via Certified Abstractor's Listing:	8	
Notification Letter Date:	August 23, 2023	
Public Hearing Board:	Zoning Commission	
Public Hearing Date:	September 11, 2023 (Zoning Commission)	
Phone Inquiries:	3	
Written Inquiries:	1	
Board of Supervisors Public Hearing Dates:	September 19, 26, and October 3 all at 4:45 PM	
Board of Supervisors Legal Notification Publish Date:	September 14, 2023	
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					Written Comments
Richard F. Luze & Kimberly K. Luze	2480 Hwy 20	Lawton	IA	51030		No comments.
Steve Mrla	1540 Dallas Ave.	Lawton	IA	51030		No comments.
Brian L. Berkenpas & Lisa Marling-George	2470 Hwy 20	Lawton	IA	51030		No comments.
BrianLisa, LLC	2470 Hwy 20	Lawton	IA	51030		No comments.
Trustee of the Vicki J. Atwell Revocable Living Trust	2514 Hwy 20	Lawton	IA	51030		SEE COMMENT BELOW.
Violet M. Reinholdt	2605 Glen Ellen Road	Sioux City	IA	51106-7124		No comments.
Life Estate to Trustee of the James R. Cross Revocable Trust	1371 Grundy Ave.	Moville	IA	51039		No comments.
Bradley H. Hopp & Megan L. Hopp	2475 Hwy 20	Lawton	IA	51030		No comments.

Daniel Priestley

From: Vicki Atwell <atwellvicki@gmail.com>
Sent: Tuesday, August 22, 2023 11:27 AM
To: Daniel Priestley
Subject: subject letter on rezoning

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

Dear Sir, I sure hope you get this because I am not a computer expert. Not sure on how to get it signed either.

Just want to let you know that I have questions about why it has to be rezoned if they are just wanting to take the small parcel for themselves and I imagine sell the larger piece. Can't it stay AP?

I guess I have some concerns about it being turned into a housing development. I know you said for that to happen a lot of things have to be done.

You also said I could still use my farm as I have been. That will be good.

Thank you for you help and patience.

Sincerely,

Vicki Atwell

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LOGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed rezoning for MEC electric, and we have no conflicts. – Casey Meinen, 8/8/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC “Gas”. – Tyler Ahlquist, 8/7/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 8/7/23.

NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	No comments.
WOODBURY COUNTY RECORDER:	I have no comments. – Diane Swoboda Peterson, 8/7/23.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this rezoning proposal. – Neil Stockfleth, 8/4/23.

ZONING MAP

Overview

Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

County Zoning

- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID 884506200006

Sec/Twp/Rng 6-88-45

Property Address 2480 HWY 20

LAWTON

Alternate ID 801048

Class A

Acreage 18.53

Owner Address LUZE RICHARD F & KIMBERLY K

2480 HWY 20

LAWTON, IA 51030

District 0028

Brief Tax Description BOYLE'S ADDITION LOT 2

(Note: Not to be used on legal documents)

FUTURE LAND USE MAP

Legend

- Agriculture
- Rural Residential
- Transitional Agriculture
- Commercial
- Industrial
- Open Space/Recreation
- Interstate 29
- State/Federal Highway
- Paved County Roads

Planning for 2025

The Woodbury County General Development Plan

Adopted November 22, 2005

Woodbury County, IA / Sioux City

Summary

Parcel ID 884506200006
Alternate ID 801048
Property Address 2480 HWY 20
 LAWTON IA 51030
Sec/Twp/Rng 6-88-45
Brief Tax Description BOYLE'S ADDITION LOT 2
 (Note: Not to be used on legal documents)
Deed Book/Page 697-9110 (5/7/2008)
Gross Acres 18.53
Exempt Acres 10.16
Net Acres 8.37
Adjusted CSR Pts 0
Zoning AP - AGRICULTURAL PRESERVATION
District 0028 MOVILLE/LAWTON-BRONSON
School District LAWTON BRONSON
Neighborhood N/A



Owner

Deed Holder
 LUZE RICHARD F & KIMBERLY K
 2480 HWY 20
 LAWTON IA 51030
Contract Holder
Mailing Address
 LUZE RICHARD F & KIMBERLY K
 2480 HWY 20
 LAWTON IA 51030

Land

Lot Area 18.53 Acres;807,167 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 1 Story Frame
Architectural Style N/A
Year Built 2009
Condition Normal
Roof Asph / Hip
Flooring
Foundation Conc
Exterior Material HARDBOARD
Interior Material Drwl
Brick or Stone Veneer
Total Gross Living Area 2,261 SF
Main Area Square Feet 2261
Attic Type None;
Number of Rooms 5 above; 3 below
Number of Bedrooms 2 above; 2 below
Basement Area Type Full
Basement Area 2,261
Basement Finished Area 1,750 - Living Qtrs. W/ Walk-out
Plumbing 1 Cust Bath - 3 Fixt; 1 Standard Bath - 3 Fi; 2 Shower Stall Bath -3; 1 Toilet Room (1/2 Bat; 1 Sink; 1 Shower Stall/Tub;
Appliances 1 Range Unit; 1 Dishwasher;
Central Air Yes
Heat FHA - Electric
Fireplaces 1 Gas;
Porches 1S Frame Open (225 SF);
Decks Wood Deck (432 SF); Concrete Patio (432 SF);
Additions
Garages 949 SF - Att Frame (Built 2009);

Yard Extras

#1 - (1) Shed W14.00 x L24.00 336 SF, Metal Shed, High Pricing, Built 2014

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
5/7/2008	BOYLE KENNETH J & KELLY M	LUZE RICHARD F & KIMBERLY K	697/9110	CHANGE IN CLASS - MUST BE DEFINED	Deed		\$70,398.00

Permits

Permit #	Date	Description	Amount
5849	06/16/2014	Utility Shed	8,000
5105	09/15/2008	New Dwlg	357,000

Valuation

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Residential
+ Assessed Land Value	\$14,750	\$11,460	\$11,460	\$10,830	\$78,170
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$585,030	\$441,280	\$441,280	\$383,580	\$347,070
= Gross Assessed Value	\$599,780	\$452,740	\$452,740	\$394,410	\$425,240
- Exempt Value	(\$8,400)	(\$6,980)	(\$6,980)	(\$6,160)	\$0
= Net Assessed Value	\$591,380	\$445,760	\$445,760	\$388,250	\$425,240

Sioux City Special Assessments and Fees

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

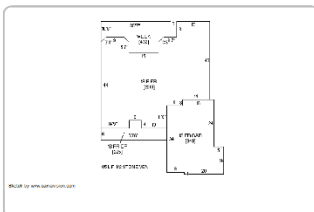
Woodbury County Tax Credit Applications

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

Photos



Sketches



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



[User Privacy Policy](#) [GDPR Privacy Notice](#)
Last Data Upload: 8/3/2023, 6:42:49 PM

EFFECTIVE FLOODPLAIN MAP



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels
- FEMA Flood Map
 - A,
 - AE,
 - AE, FLOODWAY
 - AH,
 - AO,
 - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Parcel ID 884506200006 Alternate ID 801048 Owner Address LUZE RICHARD F & KIMBERLY K
Sec/Twp/Rng 6-88-45 Class A 2480 HWY 20
Property Address 2480 HWY 20 Acreege 18.53 LAWTON, IA 51030
LAWTON
District 0028
Brief Tax Description BOYLE'S ADDITION LOT 2
(Note: Not to be used on legal documents)

v

DRAFT FLOODPLAIN MAP

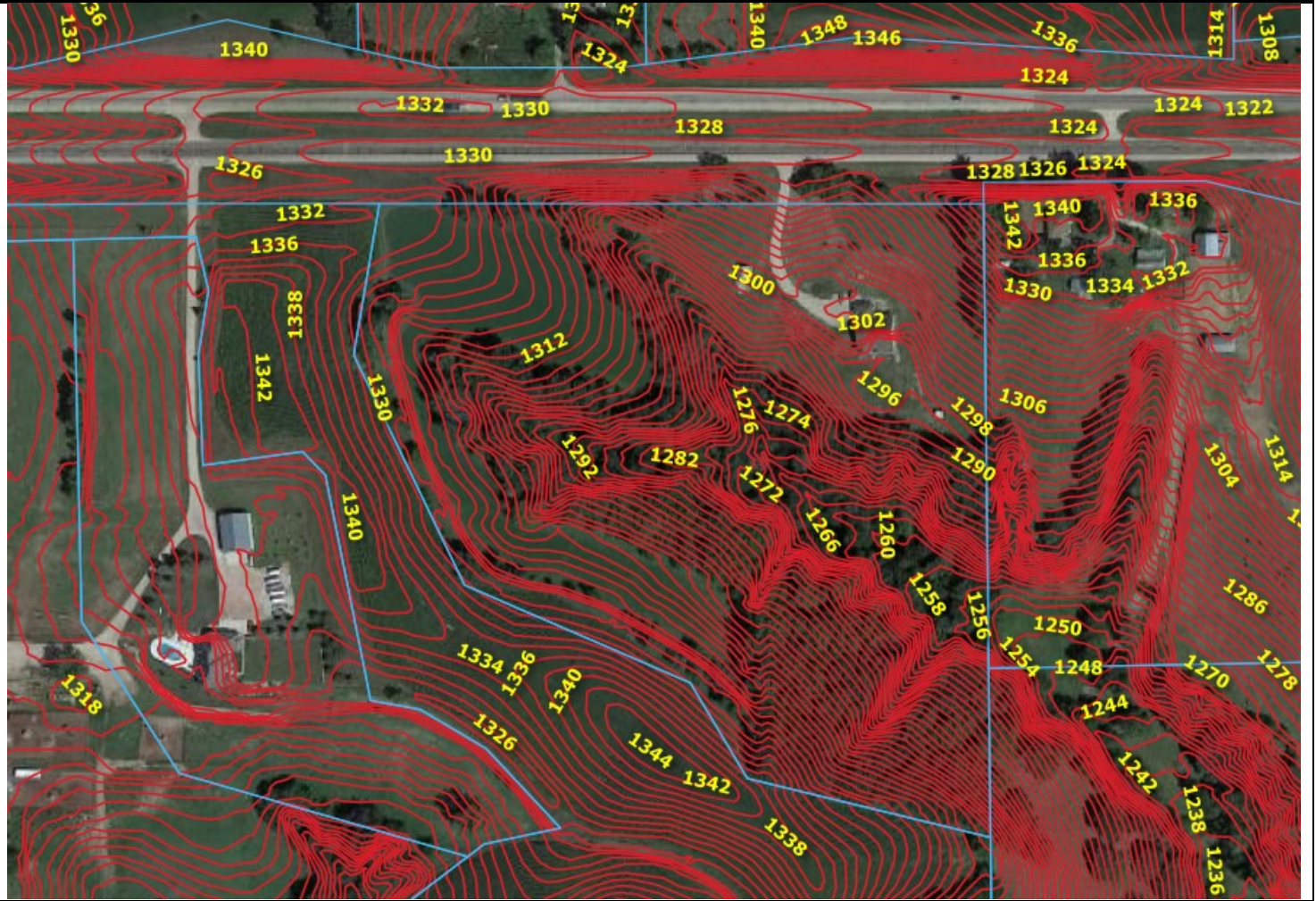


MAP DESCRIPTION

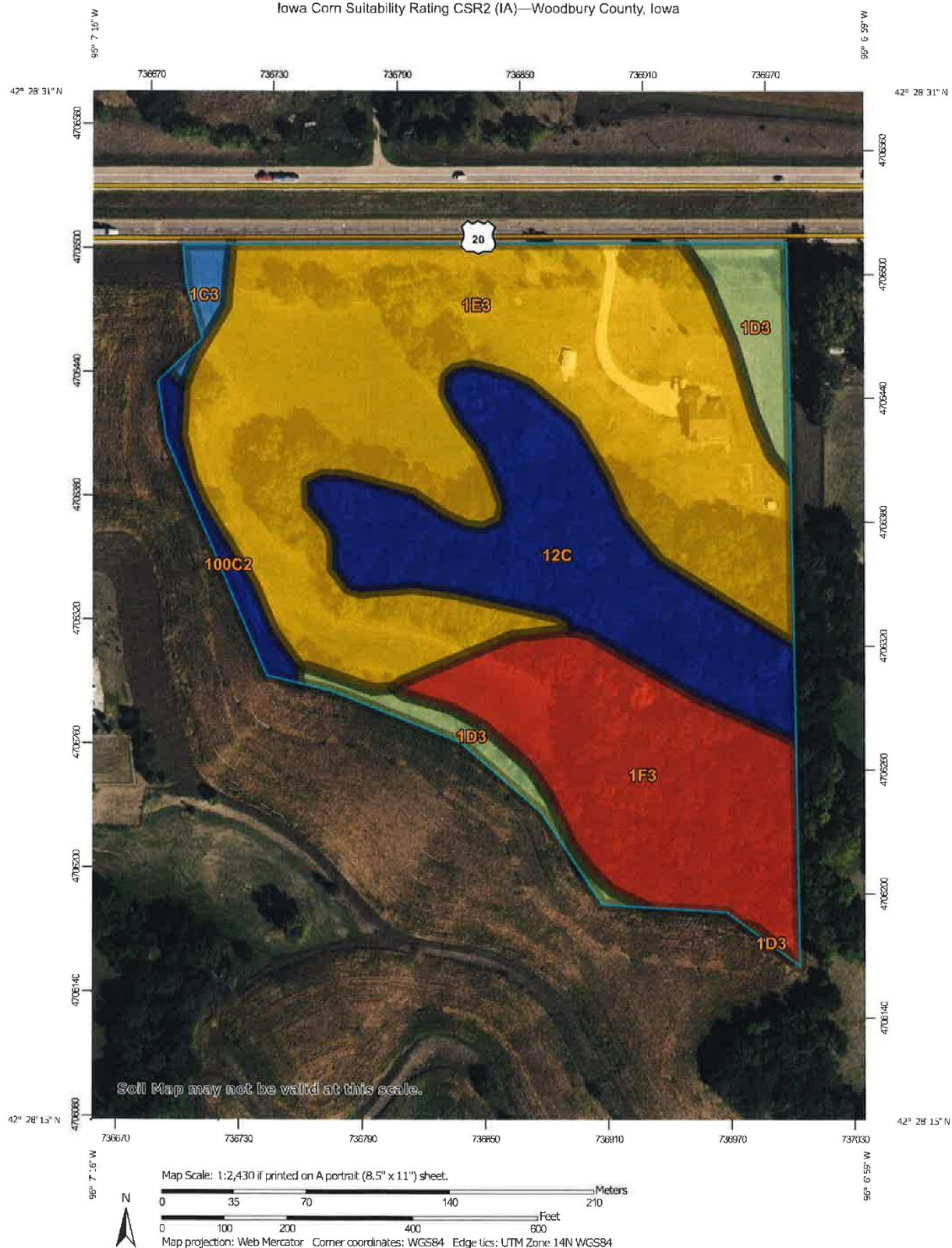
- A - 1 PCT ANNUAL CHANCE FLOOD HAZARD
- AE - 1 PCT ANNUAL CHANCE FLOOD HAZARD
- AE - FLOODWAY
- AO, RIVERINE
- AH, RIVERINE
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD, RIVERINE
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD, PROTECTED BY LEVEE
- X AREA OF SPECIAL CONSIDERATION, RIVERINE
- X AREA OF SPECIAL CONSIDERATION, PROTECTED BY LEVEE
- D, AN AREA OF UNDETERMINED BUT POSSIBLE FLOOD HAZARDS

Woodbury

ELEVATION MAP



Iowa Corn Suitability Rating CSR2 (IA)—Woodbury County, Iowa

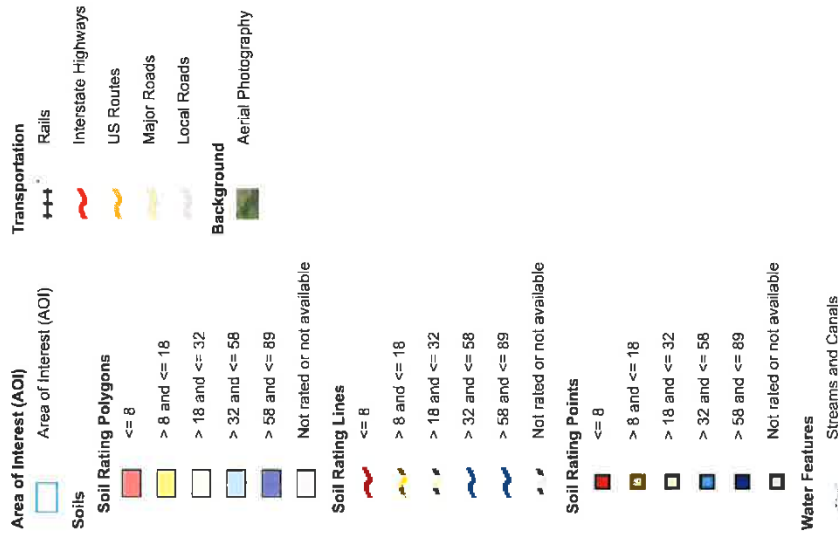


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

7/25/2023
Page 1 of 3

MAP LEGEND



MAP INFORMATION

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

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

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

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

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

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

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

Soil Survey Area: Woodbury County, Iowa
Survey Area Data: Version 32, Sep 2, 2022

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

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

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

Iowa Corn Suitability Rating CSR2 (IA)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1C3	Ida silt loam, 5 to 9 percent slopes, severely eroded	58	0.2	1.2%
1D3	Ida silt loam, 9 to 14 percent slopes, severely eroded	32	1.2	6.3%
1E3	Ida silt loam, 14 to 20 percent slopes, severely eroded	18	9.8	51.1%
1F3	Ida silt loam, 20 to 30 percent slopes, severely eroded	8	3.9	20.1%
12C	Napier silt loam, 5 to 9 percent slopes	89	3.8	19.6%
100C2	Monona silty clay loam, 5 to 9 percent slopes, eroded	85	0.4	1.9%
Totals for Area of Interest			19.2	100.0%

Description

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

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

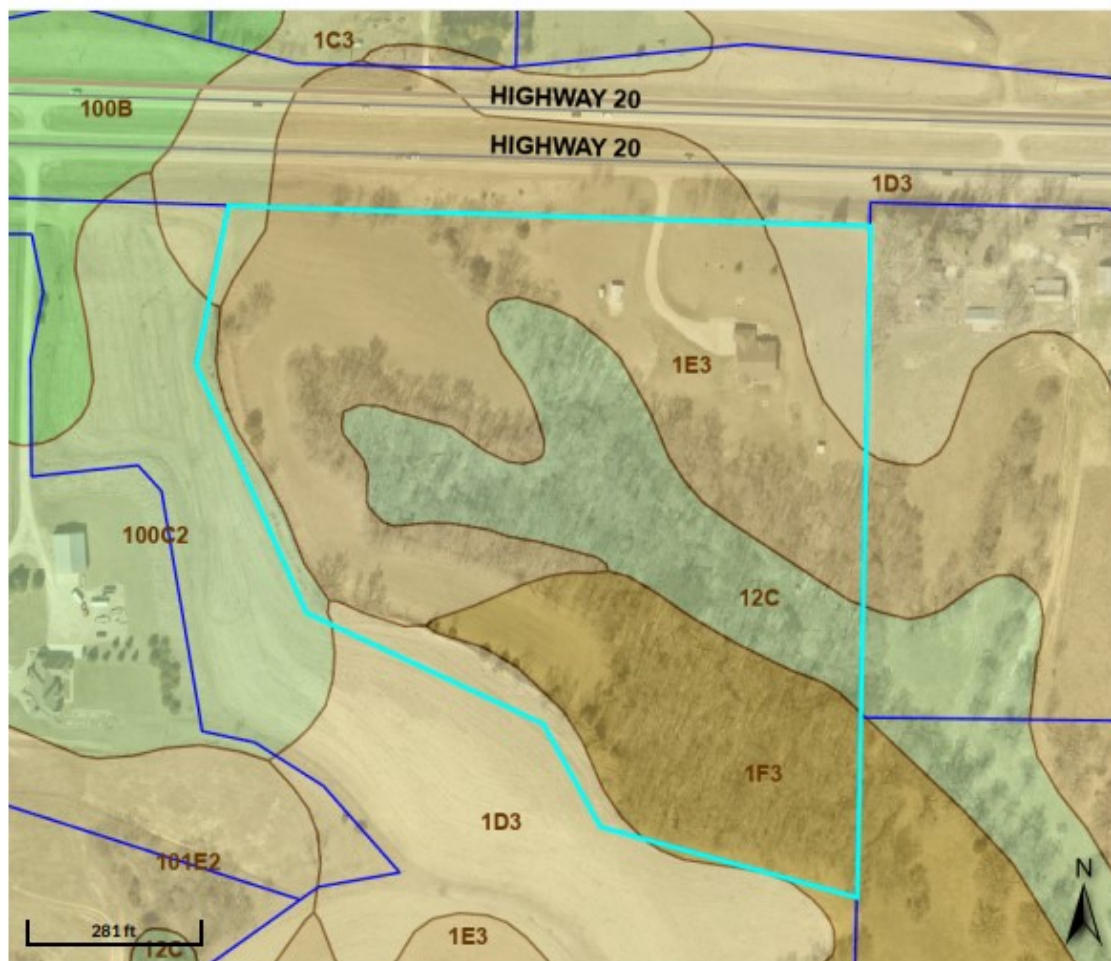
Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Higher



SOIL MAP



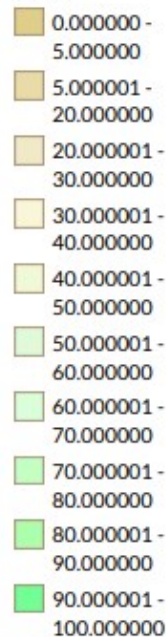
Overview



Legend

— Roads

Soils



□ Corp Boundaries

□ Townships

□ Parcels