

# NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS (MAY 10) (WEEK 19 OF 2022)

Live streaming at:

https://www.voutube.com/user/woodburvcountviowa

Agenda and Minutes available at: www.woodburycountyjowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 Keith W. Radig 560-6542

Jeremy Taylor 259-7910 Matthew A. Ung 490-7852 Justin Wright 899-9044

 $\underline{rdewitt@woodburycountyiowa.gov} \quad \underline{kradig@woodburycountyiowa.gov} \quad \underline{jtaylor@woodburycountyiowa.gov} \quad \underline{jtaylor@woodburycountyiowa.gov} \quad \underline{matthewung@woodburycountyiowa.gov} \quad \underline{jwright@woodburycountyiowa.gov} \quad \underline{jwright@woodburycountyio$ 

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held May 10, 2022 at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

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

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

### **AGENDA**

#### 4:00 p.m. 1. Grant Township Trustees Meeting

- a. Approval of the agenda
- b. Approval of the minutes of the March 29,2022 Grant Township meeting
- c. Approval of Claims

Philip Welte Mowing = FY22 - \$3,750.00

- d. Reports on Committee Meetings
- e. Township Citizen Concerns
- f. Township Trustee Concerns
- g. Adjournment

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

2. Citizen Concerns Information

3. Approval of the agenda

Action

#### **Consent Agenda**

Items 4 through 9 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

4. Approval of the minutes of the May 3, 2022 meeting

5. Approval of claims

4:40 p.m. (Set time)

4:42 p.m.

**Estates Zoning District** 

Ordinance

i. Approve to waive the third reading

- 6. Building Services Kenny Schmitz Approval of items to be auctioned per Personal Property Disposition Policy
- 7. Human Resources Melissa Thomas
  - a. Approval of Memorandum of Personnel Transactions
  - b. Authorization to Initiate Hiring Process
- 8. Board Administration Dennis Butler Set the public hearing for the FY22 Budget Amendment #1 for May 31, 2022 at 4:40 p.m.
- 9. Board Administration Karen James Approval of lifting tax suspensions for petitioners who failed to re-certify their income or income does not qualify for continued tax suspension

	End Consent Agenda	
10.	Secondary Roads – Mark Nahra  a. Receive bids for project number L-B(M299)—73-97 and return them to the county engineer for review  b. Consider approval of resolutions for drainage district tax levies  c. Approve the resolution setting interest rates for drainage district warrants for districts under the jurisdiction of the Woodbury County Board of Supervisors	Action Action Action
11.	Community & Economic Development – Daniel Priestley a. Receive final report and Zoning Commission recommendation from their	Action
	<ul> <li>4/25/22 meeting</li> <li>b. Public hearing on a Zoning Ordinance Map Amendment to rezone GIS #894624100009 owned by the Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer from the Agricultural Preservation to the Agricultural Estates Zoning District</li> </ul>	Action
	c. Conduct and approve the second reading of the ordinance as the final reading d. Approval to waive the third reading	Action
	e. Approval to adopt the Zoning District Map Amendment (Rezone) to the Zoning Ordinance	Action
	f. Receive final report and Zoning Commission recommendation from their 4/25//22 meeting	Action
	g. Public hearing on a Zoning Ordinance (Set time) Map Amendment to rezone GIS	Action

Parcel #874705200002 owned by the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust, from the Agricultural Preservation to the Agricultural

j. Approval to adopt the Zoning District Map Amendment (Rezone) to the Zoning

Action

Action

Action

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

<ul> <li>Receive the final staff report and P&amp;Z Commission's recommendation from the 4/25/22 meeting</li> </ul>	neir Action
I. Approve the Al and Barb Concord Place Addition final plat and authorize the Chairman to sign the resolution	Action
m. Receive the final staff report and P&Z Commission's recommendation from the 4/25/22 meeting	neir Action
<ul> <li>Approve the Husen Addition final plat with the condition that the property owr sign a pavement agreement with the county and authorize the Chairman to sign the resolution</li> </ul>	ner Action
12. County Sheriff – Chad Sheehan  Approve and allow the county to allocate the funds needed for the purchase of	Action
handguns and then be reimbursed throughout the fiscal year	Action
13. Reports on Committee Meetings	Information
14. Citizen Concerns	Information
15. Board Concerns	Information

### **ADJOURNMENT**

Subject to Additions/Deletions

#### CALENDAR OF EVENTS

WED., MAY 11	7:30 a.m.	SIMPCO Executive-Finance Committee - Hybrid
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
THU., MAY 12	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
WED., MAY 18	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
	1:00 p.m.	Regional Workforce Development Meeting, 2508 4th Street, Sioux City
THU., MAY 19	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
FRI., MAY 20	12:00 p.m.	Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
MON., MAY 23	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
TUE., MAY 24	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., MAY 25	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
	6:00 p.m.	Emergency Management Commission Meeting, Climbing Hill
	7:00 p.m.	911 Service Board Meeting, Public Safety Center, Climbing Hill
	7:15 p.m.	Woodbury County Solid Waste Agency (Sanitary Landfill) Executive Committee Meeting, Public Safety Center, Climbing Hill
THU., MAY 26	11:00 a.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
	11:15 a.m.	Western Iowa Community Improvement Regional Housing Trust Fund Meeting, Hybrid
WED., JUNE 1	10:00 a.m.	Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
	11:00 a.m.	Loess Hills Alliance Executive Meeting
	1:00 p.m.	Loess Hills Alliance Full Board Meeting
	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., JUNE 2	10:00 a.m.	COAD Meeting, The Security Institute
MON., JUNE 6	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., JUNE 8	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
THU., JUNE 9	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park

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

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

The Board of Supervisors met on Tuesday, March 29, 2022 at 4:00 p.m. as Trustees for Grant Township. Trustees present were Taylor, Ung, Radig, De Witt, and Wright. Township Clerk Jean Lillie was not present.

A. Motion by Ung second by De Witt to approve the agenda for March 29, 2022. Carried 4-0.

Motion by Ung second by De Witt to appoint Michelle Skaff as temporary clerk. Carried 4-0. Ung advised he did reach out to the Elected Clerk about the meeting and had no response.

- B. Motion by Ung second by Radig second by to approve minutes of the March 29, 2022 meeting. Carried 4-0.
- Motion by Radig second by De Witt to approve the FY21 Summary Statement of Receipts and Disbursements. Carried 5-0.

Wright arrived.

D. Motion by Ung second by Radig to approve the following claims:

Oto Fire = FY22 - \$7,500.00 Oto Fire = additional equipment - \$28,000.00 Oto Fire Total = \$35,500.00 Anthon Fire = FY22 - \$7,500.00 Anthon Fire = additional equipment - \$28,000.00 Anthon Fire Total = \$35,500.00 Total Fire = \$71,000.00

Ross Baldwin, Anthon Fire, spoke on behalf of the claims for Anthon Fire. Jason Weber, Oto Fire, spoke on behalf of the claims for Oto Fire.

Carried 5-0.

E. A public hearing was held at 4:15 p.m. for proposed Grant Township FY23 Budget. The trustees called on anyone wishing to be heard.

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

- F. Motion by Ung second by De Witt to adopt Grant Township FY23 Budget. Carried 5-0.
- G. The Trustees heard reports on committee meetings.
- H. There were no citizen concerns.
- Trustee concerns were heard.
- J. Meeting was adjourned.

### **Philip Welte Mowing**

300 S. D St.

Sergeant Bluff, IA 51054

Phone: 712-253-2033

E-mail: philipwelte@gmail.com

### Statement

Statement #:

2022

Date: April 29, 2022

Customer ID: Grant Township

Bill To: Grant Township Trustees - C/O Rocky De Witt

Woodbury County Courthouse

Sioux City, IA 51101

Date	Description	Amount			Bala	nce
	2022 Mowing for Grant					
4/29/2022	Township	\$	3,750.00		\$ 3	3,750.00
					\$	-
					\$	
					\$	
					\$	-
				Total	\$ 3	,750.00

Please mail to the above address.

Thank-you.

2022 MAY -3 PM 12: 28

PATRICK E GILL
COMM OF ELECTIONS
COMM OF ELECTIONS

#### MAY 3. 2022 EIGHTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, May 3, 2022 at 4:30 p.m. Board members present were Ung, Radig, De Witt, Taylor, and Wright. Staff members present were Karen James, Board Administrative Assistant, Joshua Widman, Assistant County Attorney, Melissa Thomas, Human Services Director, and Patrick Gill, Auditor/Clerk to the Board.

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

- There were no citizen concerns.
- 2. Motion by Radig second by Taylor to approve the agenda for May 3, 2022. Carried 5-0. Copy filed.

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

- 3. To approve minutes of the April 26, 2022 meeting. Copy filed.
- 4. To approve the claims totaling \$477,230.79. Copy filed.
- To approve a 28E Agreement between Woodbury County, lowa, and the Woodbury Soil and Waste Conservation
   District for funding and management of a watershed inspection and maintenance program in Woodbury County.
   Copy filed.
- 6. To approve an application for a 12-month, Class A Liquor License (LA) (Private Club) with Sunday sales privileges for the White Horse Patrol Club, effective 04/26/22 through 4/25/23. Copy filed.
- 7. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894723360012, 1433 Hildahl Ave.

# RESOLUTION #13,420 NOTICE OF PROPERTY SALE

WHEREAS Woodbury County, lowa was the owner under a tax deed of a certain parcel of real estate described as:

Lots Thirteen and Fourteen (13 & 14) in Block Two (2) of Kelly Park Addition, City of Sioux City, in the County of Woodbury and State of Iowa (1433 Hildahl Ave.)

NOW THEREFORE,

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

- That a public hearing on the aforesaid proposal shall be held on the 17<sup>th</sup> Day of May, 2022 at 4:35 o'clock p.m. in the basement of the Woodbury County Courthouse.
- That said Board proposes to sell the said parcel of real estate at a
  public auction to be held on the 17<sup>th</sup> Day of May, 2022, immediately
  following the closing of the public hearing.
- That said Board proposes to sell the said real estate to the highest bidder at or above a <u>total minimum bid of \$500.00</u> plus recording fees.
- 4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 3rd Day of May, 2022.

WOODBURY COUNTY BOARD OF SUPERVISORS Copy filed.

- To approve the separation of Myles McCrea, Operations Officer-Paramedic, Emergency Services Dept., effective 04-27-22. Separation.; the transfer of Justin Donaghu, Court Security Officer, County Sheriff Dept., effective 05-02-22, \$25.24/hour, 0%. Transfer from Civilian Jailer to Court Security Officer.; the appointment of Casey Cooper, Equipment Operator, Secondary Roads Dept., effective 05-04-22, \$24.55/hour. Job Vacancy Posted 3-15-22. Entry Level Salary: \$24.55/hour.; the appointment of Jesse Duerksen, Motor Grader Operator, Secondary Roads Dept., effective 05-04-22, \$24.85/hour. Job Vacancy Posted 11-24-21. Entry Level Salary: \$24.85/hour.; the reclassification of Jacklyn Fox, Assistant County Attorney, County Attorney Dept., effective 05-16-22, \$99,558/year, 3.4%=\$3,350./year. Per AFSCME Assist. County Attorney Contract agreement, from Step 10 to Step 11.; the reclassification of Adam Little, Civilian Jailer, County Sheriff Dept., effective 05-16-22, \$21.88/hour, 4%=\$.86/hour. Per CWA Civilian Officers Contract agreement, from Class 3 to Class 2.; and the separation of Mark Petit, Motor Grader Operator, Secondary Roads Dept., effective 05-31-22. Retirement. Copy filed.
- 9a. To approve and authorize the Chairperson to sign a Resolution approving petition for suspension of taxes for Kim Hansen, 3501 Transit Ave., Sioux City, parcel #884706139009.

# WOODBURY COUNTY, IOWA RESOLUTION #13,421 RESOLUTION APPROVING PETITION FOR SUSPENSION OF TAXES

WHEREAS, Kim Hansen, is the titleholder of property located at 3501 Transit Ave., Sioux City, IA, Woodbury County, Iowa, and legally described as follows:

#### Parcel #884706139009

#### **HENRIETTA PLACE LOT 11 BLOCK 4**

**WHEREAS,** Kim Hansen is the titleholder of the aforementioned property have petitioned the Board of Supervisors for a suspension of taxes pursuant to the 2017 Iowa Code section 427.9, and

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

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

SO RESOLVED this 3rd day of May, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

9b. To approve the lifting of tax suspension for Terry Michalosky, parcel #894813454008, 3425 Military Rd. Copy filed.

Carried 5-0.

- 10. Daniel Cotter addressed the Board to resolve to rid the county of fraud-enabled machines and restore citizen's confidence in the validity of our election process. Copy filed.
- 12a. Bid letting was held for project #130th St. Fencing. The bids are as follows:

Northwest Landscaping, Inc.

\$9,200.00

Motion by De Witt second by Taylor to receive the bids and refer them to the County Engineer for review and recommendation. Carried 5-0. Copy filed.

May 3, 2022 Cont'd. Page 3

11a. A public hearing was held at 4:40 p.m. for Zoning Ordinance Map Amendment to rezone GIS Parcel #894624100009 owned by the Joint Revocable Living Trust of Alvin O Zellmer and Barbara Zellmer from the Agricultural Preservation to the Agricultural Estates Zoning District. The Chairperson called on anyone wishing to be heard.

- Motion by Taylor second by De Witt to close the public hearing. Carried 5-0.
- 11b. Motion by Radig second by Taylor to conduct the first reading of the ordinance. Carried 5-0. Copy filed.
- 11c. A public hearing was held at 4:42 p.m. for Zoning Ordinance Map Amendment to rezone GIS Parcel #874705200002, owned by the Maxy's Family Farm LLC and the Brian and Bonnie Ivener Trust, from the Agricultural Preservation to the Agricultural Estates Zoning District. The Chairperson called on anyone wishing to be heard.
  - Motion by Taylor second by Radig to close the public hearing. Carried 5-0.
- 11d. Motion by Radig second by De Witt to conduct the first reading of the ordinance. Carried 5-0. Copy filed.
- 12b. Motion by Radig second by Taylor award the bid to Northwest Landscaping. Carried 5-0. Copy filed.
- 12c. Motion by Radig second by Taylor to award the bid for front wheel assist tractor to S & S Equipment for a new McCormick X6.35 tractor for \$63,950.00. Carried 5-0. Copy filed.
- 12d. Motion by Radig second by De Witt to award the bid for single axle trucks to Boyer Truck for \$168,886 and \$167,404. Carried 5-0. Copy filed.
- 13. Motion by Taylor second by Radig to approve a paid intern position for Sheriff's office. Carried 5-0. Copy filed.
- 8b. Motion by Radig second by De Witt to approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Temporary Intern, County Sheriff Dept. Wage Plan: \$15.00/hour; and F/T Operations Officer-Paramedic, Emergency Services Dept. Wage Plan: \$18.82-\$19.95/hour. Carried 5-0. Copy filed.
- 14. Motion by Taylor second by Ung to approve the funding request in the amount of \$5,229.89 from Gaming Fund for Nature Center Security Camera System. Carried 5-0. Copy filed.
- 15. The Board heard reports on committee meetings.
- 16. There were no citizen concerns.
- 17. Board concerns were heard.

The Board adjourned the regular meeting until May 10, 2022.

Meeting sign in sheet. Copy filed.

# **Woodbury County Personal Property Disposition Form**



		DATE: 5/10/22		
	NAME:			
-	DEPARTMENT: Secondary Roads			
	AUTHORIZED REPRESENTATIVE: Building Services Director			
	PHONE:			

### Fill in the fields below (\* REQUIRED):

Item Description*	HP Z220 CMT Workstation, Windows 10 Pro Intel Xeon processor 8GB ECC RAM 500GB hard drive, Product No. A3J44AV Serial No. 2UA3282KKC – YSR119
Estimated Value*	\$ 50.00
Current Location*	759 E. Frontage Road Moville, IA 51039
County Asset Number	
Serial/VIN Number	
Year	
Make/Model	
Auction Reserve	
Notes	Old PC from Secondary Roads. WCICC approved of disposal.

#### For Office Use Only:

GovDeals ID #	412
Sale Price	
Date	

# **Woodbury County Personal Property Disposition Form**



		DATE: 5/10/22		
	NAME:			
-	DEPARTMENT: Secondary Roads			
	AUTHORIZED REPRESENTATIVE: Building Services Director			
	PHONE:			

#### Fill in the fields below (\* REQUIRED):

Item Description*	HP Z220 CMT Workstation, Windows 10 Pro Intel Xeon processor 8GB ECC RAM 500GB hard drive, Product No. A3J44AV Serial No. 2UA3281696 – YSR120
Estimated Value*	\$ 50.00
Current Location*	759 E. Frontage Road Moville, IA 51039
County Asset Number	
Serial/VIN Number	
Year	
Make/Model	
Auction Reserve	
Notes	Old PC from Secondary Roads. WCICC approved of disposal.

### For Office Use Only:

GovDeals ID #	413
Sale Price	
Date	

### **HUMAN RESOURCES DEPARTMENT**

### MEMORANDUM OF PERSONNEL TRANSACTIONS

#### \* PERSONNEL ACTION CODE:

DATE: May 10, 2022

A- Appointment

R-Reclassification

T - Transfer

E- End of Probation

P - Promotion

S - Separation

D - Demotion

O - Other

### TO: WOODBURY COUNTY BOARD OF SUPERVISORS

		EFFECTIVE		SALARY			
NAME	DEPARTMENT	DATE	JOB TITLE	REQUESTED	% INCREASE	*	REMARKS
Tronson, Sterling	County Sheriff	5-30-22	Civilian Jailer	\$21.88/hour	4%=\$.86/hour	R	Per CWA Civilian Officers Contract agreement, from Class 3 to Class 2.
Schager, Danielle	Juvenile Detention	5-30-22	Youth Worker	\$28.84/hour	6.5%=\$1.77/ hour	R	Per AFSCME Juvenile Detention Contract agreement, from Grade 1/Step 5 to Grade 1/Step 6.
		,					

APPROVED BY BOARD DATE:	
	211 1 10
MELISSA THOMAS, HR DIRECTOR:	Melissa Thomas HR Director

# HUMAN RESOURCES DEPARTMENT WOODBURY COUNTY, IOWA

**DATE: May 10, 2022** 

## AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Secondary Roads	District Foreman	Wage Plan: \$68,573.62 – \$73,301.34/year		
Secondary Roads	Motor Grader Operator	CWA Secondary Roads: \$24.85/hour		

***************************************				
Chai	rman, I	Board	of Sup	pervisors

(AUTHFORM.doc/FORMS)



# Woodbury County Secondary Roads Department

759 E. Frontage Road • Moville, Iowa 51039

Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER Mark J. Nahra, P.E. mnahra@sioux-city.org ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To:

**Board of Supervisors** 

**Human Resources Department** 

From:

Mark Nahra, Woodbury County Engineer

Date:

May 2, 2022

Subject:

District 5 (Hornick) Maintenance Foreman Position

I am requesting that the Board authorize the replacement of Jamie Amick, District 5 (Hornick) Maintenance Foreman, who is transferring to District 2 (Moville) effective May 6, 2022. I would like to fill this position quickly, if a suitable applicant can be found.

Since this is not a union position, there is no internal posting requirement and the position can be immediately advertised. Applicants from inside and outside our department can be considered for this position.

Thank you for your consideration.



# Woodbury County Secondary Roads Department

759 E. Frontage Road • Moville, Iowa 51039

Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER Mark J. Nahra, P.E. mnahra@sioux-city.org ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To:

**Board of Supervisors** 

**Human Resources Department** 

From:

Mark Nahra, Woodbury County Engineer

Date:

May 2, 2022

Subject:

Hornick District Staff Level - Mark Petit Retirement

With the retirement of Mark Petit from county employment, a motor grader operator position will be vacant in our District 5 unit at Hornick. This will leave the district shorthanded if the vacancy is not filled.

<u>RECOMMENDATION:</u> It is my recommendation that we fill the vacant motor grader operator position immediately. Thank you for your attention.

ELECTED OFFICIAL / D	EPARTMENT HEA	AD / CITIZEN:	Karen James, Adı	ministrative Assistant		
WORDING FOR AGEND						
Approval of lifting to does not qualify for		-	ers who failed t	o re-certify their in	ncome or income	9
		ACTIO	N REQUIRED:			
Approve Ordinance		Approve Reso	olution $\square$	Approve Motion		
Public Hearing		Other: Informa	ational	Attachments 🗹		
EXECUTIVE SUMMARY:						
ually, the Board of Supervisors r						
dline or if their income does not o	qualify for continued	tax suspension, wii	Il be turned over to the	Board of Supervisors for	r action on litting the tax	suspension.
BACKGROUND:						
FINANCIAL IMPACT:						
FINANCIAL IMPACT:						
FINANCIAL IMPACT:			•		MITTED AT LEAST (	ONE WEEK
FINANCIAL IMPACT:  ne  IF THERE IS A CONTRAC	WITH A REVIEW		•		MITTED AT LEAST (	ONE WEEK
FINANCIAL IMPACT:  ne  IF THERE IS A CONTRACT PRIOR AND ANSWERED  Yes	WITH A REVIEW	BY THE COUNT	TY ATTORNEY'S (	OFFICE?	MITTED AT LEAST O	ONE WEEK
FINANCIAL IMPACT:  ne  IF THERE IS A CONTRAC PRIOR AND ANSWERED  Yes	WITH A REVIEW	BY THE COUNT	TY ATTORNEY'S (	OFFICE?	MITTED AT LEAST O	ONE WEEK
FINANCIAL IMPACT:  ne  IF THERE IS A CONTRACT PRIOR AND ANSWERED  Yes	n of the petition	ners that are	TY ATTORNEY'S (	OFFICE?	MITTED AT LEAST (	ONE WEEK

Approved by Board of Supervisors April 5, 2016.

D	ate: <u>05/05/2022</u> W	eekly Agenda Date: 05/10	0/2022		
	ELECTED OFFICIAL / DEPARTI		Mark J. Nahra, Cod	unty Engineer	
	Receive bids for project	number L-B(M299)7	73-97		
		ACTIO	N REQUIRED:		
	Approve Ordinance □	Approve Resol	ution 🗆	Approve Motion 🗹	
	Public Hearing	Other: Informa	tional 🗆	Attachments 🗹	
E	XECUTIVE SUMMARY:				
	have been completed for on. Bids are due at the E			aylor Ave, south of 220t	h Street and east of
В	ACKGROUND:				
	roject will replace a bridg ructure piling.	je with a RCB culvert	. The bridge is	currently closed due to	failure of
F	INANCIAL IMPACT:				
The p	rojects are paid for with \	Woodbury County se	condary road f	unds .	
	THERE IS A CONTRACT INVO RIOR AND ANSWERED WITH A				Γ LEAST ONE WEEK
Y	es □ No ☑				
R	ECOMMENDATION:				
	mmend that the Board re eer for review.	ceive the bids for pro	ject L-B(M299	)73-97 and return then	າ to the county
ACTION REQUIRED / PROPOSED MOTION:					
Motio	n to receive bids for proje	ect number L-B(M299	)73-97 and r	eturn them to the county	engineer for review.

Approved by Board of Supervisors April 5, 2016.

Ι	Date: 05/05/2022	<u>2</u> Wee	ekly Agenda Date: <u>(</u>	05/10/2022				
	ELECTED OFFICE		ENT HEAD / CITIZEN	Mark J. Nahra,	County Engineer			
	Consider ap	proval of drain	nage district tax I	levies				
			AC	TION REQUIRED	 <b>D</b> :			
	Approve Ord	dinance	Approve R	Resolution 🗹	Approve Mot	tion 🗹		
	Public Hearii	ng 🗆	Other: Info	ormational	Attachments	. <b>v</b>		
ı	EXECUTIVE SUM	IMARY:						
	=	-	s serves as truste inage districts a		=	Annually ta	x levies to meet	the
	BACKGROUND:							
	FINANCIAL IMPA	.CT:						
The	levies are imp	osed upon be	nefited lands by	formulas appro	oved at the ado	ption of the d	Irainage district.	
			VED IN THE AGENDAREVIEW BY THE COL			SUBMITTED AT L	LEAST ONE WEEK	
•	Yes □ N	lo 🗹						
ſ	RECOMMENDATI	ION:						
Reco	mmend that t	he board appr	rove the attached	d resolutions se	tting levies for	nine drainago	e districts.	
,	ACTION REQUIR	ED / PROPOSED N	MOTION:					
The b	ooard is to ma	ike individual r	motions approvir	ng each drainag	je district resolu	ution.		

Approved by Board of Supervisors April 5, 2016.

#### DRAINAGE.TAX

# FY 2022/23 RECOMMENDED DRAINAGE ASSESSMENTS FOR DRAINAGE DISTRICTS UNDER THE DIRECT CONTROL OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, AS TRUSTEES

Treasurer's Balance - Outstanding Warrants = Auditor's Balance

Drainage <u>District</u>	Year <u>Built</u>	Original <u>Cost</u>	County Treasurer's Balance <u>April 15, 2022</u>	Outstanding Warrants** April 15, 2022	County Auditor's Balance <u>April 15, 2022</u>	7/1/22 to 6/30/23 Other Est. <u>Expenditures</u>	FY 2022-23 Recommended <u>Levy</u>
1. Anthon Central	1925	\$ 4,943.00	\$ 357.03	\$ 18.73	\$ 290.87	\$	\$ 100.00
2. Bennett-McDonal	d 1963	1,320.00	1,066.44	34,175.33	1,060.14		35,000.00
3. Maple River	1920	44,249.00	143.47		88.71	-,	0.00
4. Orton Slough	1919	16,109.00	788.98	,	707.43		0.00
5. Smithland	1916	12,473.00	17,846.23		17,807.10		0.00
6. Smokey Hollow	1924	1,048.00	3,089.33		3,084.33		0.00
7. Weber Creek 8. Wolf Creek	1931 1908	9,599.00 34,418.00	3,555.55 21,089.57	 163,260.54	3,532.89 35,386.12	5. 5.	0.00 28,000.00
9. Wolf Creek Pump Sub-Dist 2 Sub-Dist 3	1985	21,262.45	2,200.61 67.03 2,013.81	208.60  9.77	160.56 43.57 2,010.80	0.00 0.00 0.00	0.00 * 0.00 0.00

\*(Hearing not required.) Section 468.126,1c, Code of Iowa 2015, states in part: "If the estimated cost of a repair exceeds twenty thousand dollars, or seventy-five percent of the original total cost of the district and subsequent improvements, whichever is the greater amount, the board shall set a date for a hearing on the matter of making the proposed repairs, ---."

**Balance verification	Dated this	day of May, 2022
Dannie D. Britley Companies of Office	Mork I Nohr	a - County Engineer
Dennis D. Butler – Supervisor's Office	mark J. Nanra	a - County Engineer

RESOLUTION NO.	
THE CE CITOTITIO	

#### ORTON SLOUGH DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Orton Slough Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Orton Slough Drainage District, that a special tax and/or assessment in the sum of § 0.00 be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED this	day of <u>May</u> , 2022
	WOODBURY COUNTY BOARD OF SUPERVISORS
ATTESTED:	BY:Chairman
Patrick F. Gill, County Audit	or

RESOLUTION NO.	

#### SMOKEY HOLLOW DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Smoky Hollow Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Smoky Hollow Drainage District, that a special tax and/or assessment in the sum of § 0.00 be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED thisda	y of <u>May</u> , 2022.
	VOODBURY COUNTY BOARD OF SUPERVISORS
ATTESTED:	BY:
	Chairman
Patrick F. Gill, County Audito	
	-

RESOLUTION NO.	

### WEBER CREEK DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Weber Creek Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Weber Creek Drainage District, that a special tax and/or assessment in the sum of \$\sum\_{0.00}\$ be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

BE IT FURTHER RESOLVED that the said levy and/or assessment be and the same is hereby certified to the Woodbury County Auditor who is hereby directed to effect said levy and/or assessment against all of the said lands, etc., in the same ratio and upon the same classification as heretofore adopted, established and confirmed and enter same upon the tax list of Woodbury County for collection with the first half of the current year real estate taxes.

DATED this \_\_\_\_\_ day of May , 2022.

,	WOODBURY COUNTY BOARD OF SUPERVISORS
ATTESTED:	BY:Chairman
Patrick F. Gill, County Audito	

RESOLUTION NO.	

#### WOLF CREEK DRAINAGE DISTRICT

### RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Wolf Creek Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Wolf Creek Drainage District, that a special tax and/or assessment in the sum of \$\,28,000.00\) be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

BE IT FURTHER RESOLVED that the said levy and/or assessment be and the same is hereby certified to the Woodbury County Auditor who is hereby directed to effect said levy and/or assessment against all of the said lands, etc., in the same ratio and upon the same classification as heretofore adopted, established and confirmed and enter same upon the tax list of Woodbury County for collection with the first half of the current year real estate taxes.

DATED this	day of	May	, 2022.
	WOOD	BURY CO	OUNTY BOARD OF SUPERVISORS
ATTESTED:		ВУ	Y:
			Chairman
Patrick F. Gill, County Audi	tor	·	

RESOLUTION NO.	

#### BENNETT-MCDONALD DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Bennett-McDonald Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Bennett-McDonald Drainage District, that a special tax and/or assessment in the sum of § 35,000.00 be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

BE IT FURTHER RESOLVED that the said levy and/or assessment be and the same is hereby certified to the Woodbury County Auditor who is hereby directed to effect said levy and/or assessment against all of the said lands, etc., in the same ratio and upon the same classification as heretofore adopted, established and confirmed and enter same upon the tax list of Woodbury County for collection with the first half of the current year real estate taxes.

DATED 41:

DATED this d	ay or <u>May</u>		_, 2022.
,	WOODBURY	COUN	NTY BOARD OF SUPERVISORS
ATTESTED:		BY:	
			Chairman
Patrick F. Gill, County Audito	r		***************************************
·			
		-	

RESOLUTION NO.	

### SMITHLAND DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Smithland Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies, and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Smithland Drainage District, that a special tax and/or assessment in the sum of <u>\$ 0.00</u> be levied against all the tracts of land, lots, railroad companies, and public highways within said Drainage District and same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED thisday of	f <u>May</u> , 2022.	
	WOODBURY COUNTY BOARD OF SUPERVISOR	RS
ATTESTED:	BY:Chairman	
Patrick F. Gill, County Auditor		
	_	

RESOLUTION NO.	

#### **WOLF CREEK PUMPING DISTRICT #2**

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Wolf Creek Pumping District #2 of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies, and public highways within the boundaries of the said Pumping District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Wolf Creek Pumping District #2, that a special tax and/or assessment in the sum of \$\(\frac{\mathbf{N}}{2}\) = \(\frac{\mathbf{N}}{2}\) be levied against all the tracts of land, lots, railroad companies, and public highways within said Pumping District and same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED thisday of	of <u>May</u>	, 2022.
	WOODBU	URY COUNTY BOARD OF SUPERVISORS
ATTESTED:		BY:
		Chairman
Patrick F. Gill, County Auditor		

RESOLUTION NO	O.

### WOLF CREEK PUMPING DISTRICT #3

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Wolf Creek Pumping District #3 of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies, and public highways within the boundaries of the said Pumping District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Wolf Creek Pumping District #3, that a special tax and/or assessment in the sum of \$\\_0.00\$ be levied against all the tracts of land, lots, railroad companies, and public highways within said Pumping District and same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED this d	ay of	May	_, 2022.
	WOOL	OBURY C	OUNTY BOARD OF SUPERVISORS
ATTESTED:		BY:_	
			Chairman
Patrick F. Gill, County Auditor			
		<b>1</b>	

RESOLUTION NO.
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#### ANTHON CENTRAL DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Anthon Central Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

DATED this	_ day of	May , 2022.
	WOODBURY	COUNTY BOARD OF SUPERVISORS
ATTESTED:		BY:Chairman
Patrick F. Gill, County Audito	or	Chamman
Turiok 1. Om, County Munic	OI.	

RESOLUTION NO.	

#### MAPLE RIVER DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Maple River Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Maple River Drainage District, that a special tax and/or assessment in the sum of \$\\_0.00\\_\\_\ be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED this	day of	May	_, 2022.
	WOODBUI	RY COU	NTY BOARD OF SUPERVISORS
ATTESTED:		BY:_	
			Chairman
Patrick F. Gill, County Audit	tor		

RESOLUTION NO.	

#### POVERTY HOLLOW DRAINAGE DISTRICT

# RESOLUTION LEVYING SPECIAL ASSESSMENT AND CERTIFICATE TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Board of Supervisors is the governing body of the Poverty Hollow Drainage District of Woodbury County, Iowa; and

WHEREAS, said Board, as Trustees, has determined that it is necessary to levy a special tax and/or assessment on all tracts of land, lots, railroad companies and public highways within the boundaries of the said Drainage District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Woodbury County Board of Supervisors as the governing body of the Poverty Hollow Drainage District, that a special tax and/or assessment in the sum of \$\frac{\\$}{450.00}\$ be levied against all the tracts of land, lots, railroad companies and public highways within said Drainage District, same to be in the same ratio and upon the same classification as heretofore established, adopted and confirmed.

DATED this	_ day of	May	_, 2022.
	WOODBURY	COU	NTY BOARD OF SUPERVISORS
ATTESTED:		BY:_	
			Chairman
Patrick F. Gill, County Audito	or		

ſ	Date: 05/05/2022 Weekly Agenda Date: 05/10/2022
	ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer  WORDING FOR AGENDA ITEM:
	Consider a resolution to set the interest rates on drainage district warrants during fiscal year 2023.
	ACTION REQUIRED:
	Approve Ordinance □ Approve Resolution ☑ Approve Motion □
	Public Hearing □ Other: Informational □ Attachments   ✓
	EXECUTIVE SUMMARY:
	Woodbury County Board of Supervisors can set the interest rate paid on drainage district warrants for icts for which the board serves as trustees.
F	BACKGROUND:
intere a rate	er Sec. 74A.3 (1c). Special assessment bonds, certificates, warrants or other obligations, the principal and est of which are payable from special assessments levied against benefited property may bear interest at the to be set by the issuing governmental body or agency.  3(2). The interest rates authorized by this section to be set by the issuing government.
ı	FINANCIAL IMPACT:
	e is no financial impact to the county board. Interest rates are paid by drainage district properties benefited n each district under the jurisdiction of the board. The past several years the interest rate has been set at 5.0%.
	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?
١	Yes □ No ☑
F	RECOMMENDATION:
	rove the resolution setting interest rates for drainage district warrants for districts under the jurisdiction of Woodbury County Board of Supervisors.
,	ACTION REQUIRED / PROPOSED MOTION:
Motic	on to approve the resolution setting interest rates for drainage district warrants for districts under the

jurisdiction of the Woodbury County Board of Supervisors.

#### WOODBURY COUNTY, IOWA

RESOLUTION #
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### RESOLUTION ESTABLISHING THE INTEREST RATE PAID ON DRAINAGE WARRANTS

**WHEREAS,** the Woodbury County Board of Supervisors has the authority to establish the interest rate on drainage warrants pursuant to lowa Code Chapter 468.

**NOW, THEREFORE, BE IT RESOLVED**, by the Woodbury County Board of Supervisors that the interest rate for Drainage Warrants is hereby set at 5% APR for Fiscal Year 2023.

**SO RESOLVED** this 10<sup>th</sup> day of May 2022. WOODBURY COUNTY BOARD OF SUPERVISORS

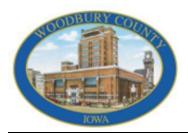
**DATED** this 10<sup>th</sup> day of May 2022

#### **WOODBURY COUNTY BOARD OF SUPERVISORS**

ATTESTED:	BY:		
		Keith Radig, Chairman	····
Patrick F. Gill, County Auditor		Rocky DeWitt	
		Jeremy Taylor	
			····
		Matthew Ung	
		Justin Wright	

		Date:	4/28/22		Weekly Agenda Da	te: <u>5/3/22 4:</u>	40	
	ELECTED OFFICIA  WORDING FOR AG a.Receive final rep #894624100009 fi Prcl #8946241000 Reading of the the Zoning Ordinance	ENDA ITI Dort-Zonii rom 4/25/ 009 from to Ordinan	EM: ng Commiss /22 b.Public the Agricult nce as final i	sion recomme	ndation to approv	stley, CED Zo re rezone of Prole e Map Amendmon Estates c.Appro ag of the Ordinar		
	3 2 3 3 3			ACTION R	EQUIRED:			-
	Approve Ordina			Approve Reso	olution	Approve Motion		
	Public Hearing			Other: Informa	ational	Attachments		
EVECU	TIVE CLIMMADY.							
The Board ( 894624100	TIVE SUMMARY: of Supervisors will h 009 from the Agricu	old a pul Itural Pre	olic hearing eservation (A	to discuss a p AP) to the Agr	proposed Zoning ( icultural Estates (	Ordinance Map A AE) Zoning Disti	Amendment to rerict.	zone GIS Parce
Following th ordinance a	ne public hearing, the proving the amend	e Board dment to	may defer of the zoning	consideration of district map.	of the proposal; or	r reject the propo	osal; or proceed t	to adopt an
A 60% majo owners of n subject prop	ority of the Board of nore than 20% of eit perty file a written ol	Supervis ther, (a) t bjection p	sors shall be the area of to prior to the o	required to a he subject pro conclusion of t	dopt the proposed operty or (b) the a he public hearing	d amendment of rea of real prope	the zoning distrierty lying within 5	ct map if the 00 feet of the
The Board of the conclus	of Supervisors may ion of the public hea	impose r aring, the	estrictive co owner agre	onditions upon ses to the cond	the approval of a ditions in writing.	an amendment to	the zoning distr	ict map if, before
BACKO	ROUND:	ıst of Δlvi	n O Zellme	r and Barbara	Zellmer has filed	a Zoning Ordin	ance Man Amen	dment (rezone)
application property as	ROUND: evocable Living Tru to rezone Parcel #8 referenced above a	9462410 as well as	0009 from / Parcel #89	AP to AE cond 4624100006.	currently with an a	pplication for a t	hree-lot minor su	ibdivision on the
(#89462410 District . Th	e of this application 00009) can be split the use of the land wing the Trust proper	from the f rill remain	farm ground unchanged	l and be incorp I for the forese	porated with the peeable future, as	proposed Lots 1 the Trust and its	and 2 in the sam immediate succ	e AE Zoning essors plan to
developmer neighbors v Hearing. A	nt is planned. This vithin 1000 FT have ppropriate stakehold comment. No cor	proposal been du ders inclu	has been p ly notified v ıding goveri	roperly notice ia a April 7, 20 nment agencie	d in the Sioux City 022 letter about th es, utilities, and or	y Journal Legals le April 25, 2022 ganizations hav	Section on April Zoning Commis e been notified a	13, 2022. The sion Public nd have been
(Zone A - F	loodplain). Based on the Based of the Based	on the information	ormation re- eria for appr	ceived and the oval. It is the	e requirements se recommendation	t forth in the Zor of staff to appro	ning and Subdivis ve this proposal.	sion Ordinances Following their
25, 20								

	FINANCIAL IMPACT:
0	
	IF THERE IS A CONTRACT INVOLVED IN THE ACENDA ITEM THACTHE CONTRACT REEN SUBMITTED AT LEAST ONE WEEK
	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:
Re	ceive final report and Zoning Commission recommendation from their 4/25/22 meeting.
	en and close the public hearing. (Set Time: 4:40 PM)
'	nduct and approve the second reading of the ordinance as the final reading.
VV2	aive the third reading.
Ad	opt the ordinance.
If n PM	needed, a 3rd public hearing/reading of the ordinance has been scheduled for Tuesday, 5/17/22 at 4:40 ft.
Ma	ACTION REQUIRED / PROPOSED MOTION:
Op	otion to receive final report and Zoning Commission recommendation from their 4/25/22 meeting. open and close the public hearing. (Set Time: 4:40 PM)
Mc Mc	pen and close the public hearing. (Set Time: 4:40 PM) potion to conduct and approve the second reading of the ordinance as the final reading potion to waive the third reading.
Mc	tion to adopt the Zoning District Map Amendment (Rezone) to the Zoning Ordinance.



#### WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET - SIOUX CITY, IA 51101

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

## Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer REZONE FROM AP TO AE ZONING DISTRICT **FINAL REPORT - 4/28/22**

#### APPLICATION DETAILS

Applicant(s): Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer

Application Type: Zoning Ordinance Map Amendment (Rezone)
Current Zoning District: Agricultural Preservation (AP) Proposed Zoning District: Agricultural Estates (AE)

Total Acres: 39.56

Current Use: Residential/Agricultural Proposed Use: Residential/Agricultural

Corn Suitability Rating(s): 59.32
Pre-application Meeting: November 15, 2021 ation Date: March 30, 2022 Legal Notice Date: April 13, 2022

Stakeholders' (1000') Letter Date: April 7, 2022 Zoning Commission Public Hearing Date:

Board of Supervisors Public Hearing Dates: May 3, 2022 at 4:40 PM; May 10, 2022

at 4:40 PM: May 17 at 4:40 PM

#### PROPERTY DETAILS

Parcel(s): 894624100009 Township: T89N R46W (Concord)

Section: 24; Quarter: SW ¼ NW ¼, SE ¼ NW ¼, & SW ¼ NE ¼

Zoning District: Agricultural Preservation (AP)

Floodplain District: Zone A (Floodplain)

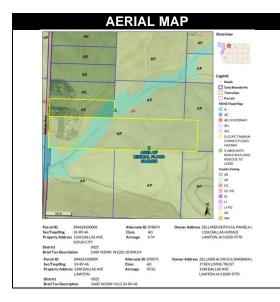
Address: 1348 Dallas Ave., Lawton, IA 51030-9770

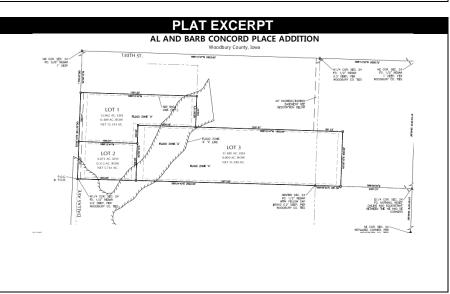
#### TABLE OF CONTENTS

- □ Summary, Recommendation, Aerial & Plat Excerpt
- □ Zoning Commission Minutes
- □ Application
- □ Proposed Ordinance Language
- ¬ Review Criteria
- □ Legal Notification
- □ Adjacent Owners' Notification
- □ Stakeholder Comments
- □ Supporting Documentation

#### SUMMARY

The Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer has filed a Zoning Ordinance Map Amendment (rezone) application to rezone Parcel #894624100009 from AP to AE concurrently with an application for a three-lot minor subdivision on the property as referenced above as well as Parcel #894624100006. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. The Woodbury County Zoning Commission voted 4-0 to recommend approval of this proposal at their April 25, 2022 meeting to the Board of Supervisors.





#### **ZONING COMMISSION & STAFF RECOMMENDATION**

The Woodbury County Zoning Commission voted 4-0 to recommend approval of this proposal at their April 25, 2022 meeting to the Board of Supervisors.

Staff recommends approval of this rezone request as proposed.

#### **ZONING COMMISSION DRAFT MINUTES - APRIL 25, 2022**

#### Minutes - Woodbury County Zoning Commission Meeting – April 25, 2022

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

ZC Members Present: Chris Zellmer Zant, Tom Bride, Corey Meister, Jeff O'Tool

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Dolf Ivener, Troy Husen, Jim Zellmer (Phone)

#### Call to Order

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

#### Public Comment on Matters Not on the Agenda

None

#### Approval of Minutes

The February 28, 2022 minutes were approved. Motion to approve: Meister. Second: O'Tool. Motion approved 4-0.

#### Public Hearing: Husen Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a four-lot minor subdivision on the property identified as Parcel #874705200002. The purpose of this proposal is to establish four residential lots. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the 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 lows Code closure requirements and found that the lots have adequate access. The County Engineer also stated that a paving agreement should be applied to this subdivision. Extraterritorial review was waived by the City of Sergeant Bluff with Resolution No. 21-33 on December 14, 2021. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. This proposal meets requirements of the Zoning and Subdivision Ordinances. Bride pointed out that the property has a significant Crop Suitability Rating (CSR – 75.51); this area is also located close to the Sergeant Bluff and residential development is already established. Dolf Ivener offered background on the purpose of the project. Troy Husen inquired about the effects of the pavement agreement including the costs. Priestley indicated that it is an 80/20 agreement where property owners would pay 40% along their frontage or lineal feet of each lot to the center of the road. If there is any proposal to pave the road in the future, there will likely be public hearings administered by county engineer's office. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign a pavement agreement for any future pavi

# Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Maxys Family Farm LLC/Brian and Bonnie Ivener Trust

Priestley read the preliminary report and staff recommendation into the record. Concurrently with the previous minor subdivision application, this proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township), Woodbury County, parcel #874705200002, for the purpose of establishing four residential lots. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. Based on the information received, staff recommends approval of this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meisner. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates with the condition that the owner(s) sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

#### Public Hearing: Al and Barb Concord Place Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. The Joint Revocable Living Trust of Alvin O. Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on Parcel #894624100006 and #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with lows Code closure requirements and found that the lots have adequate access. Priestley noted that the county engineer initially had concerns about a proposed easement and its access to

a suitable driveway. However, the issue was resolved with a revised easement. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. One of the property owners, Jim Zellmer, was present via the phone but had no comments about the proposal. It is the recommendation of staff to approve this proposal. Motion to close public hearing: Meister. Second: Bride. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the Al and Barb Concord Place Addition Minor Subdivision: Bride. Second: O'Tool. Motion approved 4-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer Priestly read the preliminary report and staff recommendation into the record. Along with previous minor subdivision application, this proposal is to rezone Parcel #894624100009 from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District with an application for a three-lot subdivision on Parcel #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District . The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Motion to close Public Hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the proposed Zoning Ordinance Map Amendment from AP to AE to the Board of Supervisors: O'Tool. Second: Bride. Motion approved 4-0.

### Discussion of Solar Ordinance Provisions

Priestley facilitated a discussion concerning residential solar systems and utility scale solar systems including some of their differences as it pertains to permitting. He indicated that area communities such as the City of Sioux City administratively issue building permits for residential solar systems as accessory structures/uses to the properties. The current language in the Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. Priestley reminded the Commissioners that in recent years the county has received conditional use permit applications from both residential scale and utility scale projects. A revised ordinance may be required to address future needs depending on the intensity of the projects from residential to utility scale. Several considerations include road use agreements, decommissioning plans, setback requirements, etc. Priestley recommended that the Commission continue this discussion at future meetings and in the meantime, he will continue to research other jurisdictions and their respective policies as it comes to both residential and commercial solar operations.

### Public Comment on Matters Not on the Agenda

### Commissioner Comment or Inquiry

Bride bought up State of Iowa legislation – Senate File 2285, pertaining to the incorporated areas' ability to require annexation agreements. Priestley will research.

### Staff Update

Priestley formally informed the Commission that Director David Gleiser has left the Woodbury County Community & Economic Department.

### Adjourn

The meeting adjourned at 7:20 PM.



### METCALF & BEARDSHEAR

ATTORNEYS AT LAW

GLENN A. METCALF

glenn.metcalf@movillelawoffice.com

RYAN D. BEARDSHEAR

ryan.beardshear@movillelawoffice.com

232 Main Street P. O. Box 454 Moville, IA 51039 Phone: 712-873-3229 Fax: 712-873-3228

March 25, 2022

Woodbury County Zoning 620 Douglas St. # 600 Sioux City, IA 51101

Dear County Zoning Office:

My Client, the Alvin and Barbara Zellmer Joint Revocable Living Trust, is filing an application to re-zone a parcel of land from AP to AE in order to split a parcel No: 894624100009 ("Trust Parcel"), legally described as:

The South Six hundred feet (S 600') of the West Two thousand, nine hundred, four feet (N 2,904') of the North Half (N 1/2) of Section Twentyfour (24), Township Eighty-nine (89), North, Range Forty-Six (46), West of the 5th P.M., in Woodbury County Iowa. (See deed recorded on November 4, 2013, on Roll 732, Image 7886).

My client and Keith and Pamela Zellmer, owners of Parcel No. 894624100006 ("Keith's Parcel"), have proposed the creation of a subdivision, to be commonly known as the "Al and Barb Concord Place Addition" (Hereafter known as "subdivision"). A minor subdivision application is being filed herewith. Keith's parcel, legally described as:

The South Three Hundred, forty feet (S 340') of the North Two Thousand, Forty feet (N 2,040') of the West One Thousand, two hundred, eighty-one and eighteen hundredths feet (W 1,281.18') of the Northwest Quarter (NW 1/4) of Section Twenty-four (24), Township Eighty-nine (89) North, Range Forty-six (46). West of the 5th P.M., in Woodbury County, Iowa. (See deed recorded on April 20, 1987, on Roll 185 Image 1307).

is presently zoned AE, but the Trust Parcel is zoned AP. In order to complete the subdivision, the Trust Parcel must be re-zoned as AE. The purpose of creating the minor subdivision is so the existing house on proposed Lot 2, which is completely located within the Trust Parcel, can be split from the agricultural land on the Trust Parcel. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can then be sold for residential purposes. No residential development is planned.

Page 2 Woodbury County Zoning March 25, 2022

The proposed subdivision has following measured, legal description:

A parcel of land in the North One-half (N ½) of Section Twenty-four (24), Township Eighty-nine (89) North, Range Forty-six (46), West of the 5th P.M., Woodbury County, Iowa. Said parcel more particularly described as follows: Commencing and beginning at the West One-quarter (W 1/4) corner of said Section Twenty-four (24), thence South Eighty-eight Degrees Twenty-four Minutes Forty Seconds (S 88°24'40") East (an assumed bearing) along the South line of the Northwest Quarter (NW 1/4) for Two Thousand Six Hundred Twenty-two and Fifty-five Hundredths Feet (2,622.55') to the center of Section Twenty-four (24); thence South Eighty-eight Degrees Eight Minutes Twenty Seconds (S88°08'20") East along the South line of the Northeast Quarter (NE 1/4) for Two Hundred Eight-one and Fifty-six Hundredths Feet (281.56'); thence North Two Degrees Six Minutes Ten Seconds (N 02°06'10") East for Six Hundred Two and Sixty-two Hundredths Feet (602.62'); thence North Eighty-eight Degrees Twelve Minutes Forty-seven Seconds (N 88°12'47') West for One Thousand Six Hundred Twenty-two and Eighty four Hundredths Feet (1,622.84'); thence North Two Degrees Six Minutes Ten Seconds (N 02°06'10") East for Three Hundred Forty and One Hundredths Feet (341.01); thence North Eighty-Eight Degrees Twelve Minutes Forty-seven seconds (N 88°12'47") West for One Thousand Two Hundred Eighty-one and Twenty Hundredths Feet (1,281.20') to the West line of the Northwest Quarter (NW 1/4); thence South Two Degrees Sixteen Minutes Ten Seconds (S 02°16'10") West along the West line of the Northwest Quarter (NW 1/4) for Nine Hundred Fifty-one and Thirty-two Hundredths Feet (951.32')(M) to the point of beginning. Said parcel contains 50.424 acres more or less.

Very truly yours,

METCALF & BEARDSHEAR

Moville, Iowa

Ryan D. Beardshear

RDB:ed

Enclosure



### 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: Joint Revocable Living Trust of Owner Alvin O. Zellmer & Barbara Zellmer Address 1348 Dallas Avenue Lawton, IA 51030 Phone (864) 477-8825  Engineer/Surveyor Craig Reedle	Applicant Information:  Applicant James Zellmer as Trustee  Address 604 N Almond Drive Simpsonville, SC 29681  Phone (864) 477-8825  Phone (712) 253-3328
Property Information:  Property Address 1348 Dallas Avenue, Lawton or Address Range	a, IA 51030
Quarter/Quarter_SW1/4 NW1/4 Sec 24	Twnshp/Range 89/46W
Parcel ID # 894624100009 or GIS #	Total Acres_ 39.56
Current Use residental/agricultural	Proposed Use residential/agricultural
	Proposed Zoning AE
Average Crop Suitability Rating (submit NRCS Statement)	Total adj. CSR pts.: 2346.77
A formal pre-application meeting is recommended p	prior to submitting this application.
Woodbury County Planning and Zoning Office and zoning consubject property.  This Rezoning Application / Zoning Ordinance Map Amendme	ad herein is true and correct. I hereby give my consent for the inmission members to conduct a site visit and photograph the ent is subject to and shall be required, as a condition of final
at the time of final approval	nances, policies, requirements and standards that are in effect
owner Jans azelle ag Trusta	Applicant Jan af Mu as Trustee
Date Feb 2, 2022	Date Fdb 2, 2022
Fee: \$400 Case #: 6750 Check #: 689 (	DECEIVED
	WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

### 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.

THE WOODBURY COUNTY, IOWA B	OARD OF SUPERVISORS
	Keith Radig, Chairman
	Jeremy Taylor, Vice Chairman
	Rocky De Witt
Attest:	Matthew Ung
Patrick F. Gill, Woodbury County Auditor	Justin Wright

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

Adoption Timeline:
Public Hearing and 1st Reading:
Public Hearing and 2nd Reading:
Public Hearing and 3rd Reading:

Adopted:

### ITEM ONE (1)

Property Owner: Joint Revocable Living Trust of Alvin O. Zellmer and Barbara L. Zellmer, 1348 Dallas Ave., Lawton IA 51030-9770

Petitioner Applicant: Joint Revocable Living Trust of Alvin O. Zellmer and Barbara L. Zellmer, 1348 Dallas Ave., Lawton IA 51030-9770

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

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 39.56-acres located in the SW ¼ of NW ¼, SE ¼ of the NW ¼, and the SW ¼ of the NE ¼ of Section 24, T89N R46W (Concord Township) in the County of Woodbury and State of Iowa. The property is identified as Parcel #894624100009 and is described as

The South Six hundred feet (S 600') of the West Two thousand, nine hundred, four feet (N 2,904') of the North Half (N ½) of Section Twenty-four (24), Township Eighty-nine (89), North, Range Forty-Six (46), West of the 5<sup>th</sup> P.M., in Woodbury County Iowa. (See deed recorded on November 4, 2013, on Roll 732, Image 7886).

### **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 General Commercial. The parcel is currently zoned Limited Industrial (LI) 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:

- Land Use Goal 1.2: Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.
- Agricultural Goal 3.1: Promote agriculture as the main industry in the rural
  portion of the county.



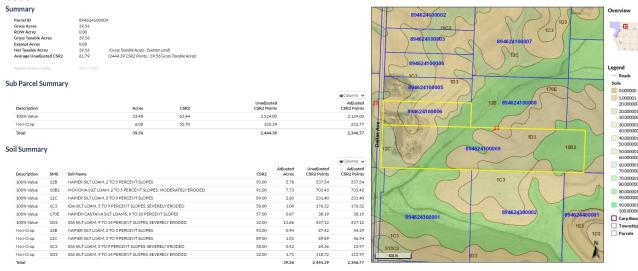
The Woodbury County General Development Plan

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

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

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

The CSR2 rating for this property includes the rating of 61.79. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses.



### Compatibility with adjacent land uses.

The portion of this property being rezoned to AE includes both farm ground and a home. The rezone of this property is compatible with the abutting parcels.

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

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

### Any other relevant factors.

None.

# Published in the Sioux City Journal of the Sioux Children and the state of the

### PROPERTY OWNER(S) NOTIFICATION - 1000'



The <u>ten (10)</u> property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **April 7, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **April 25, 2022**.

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

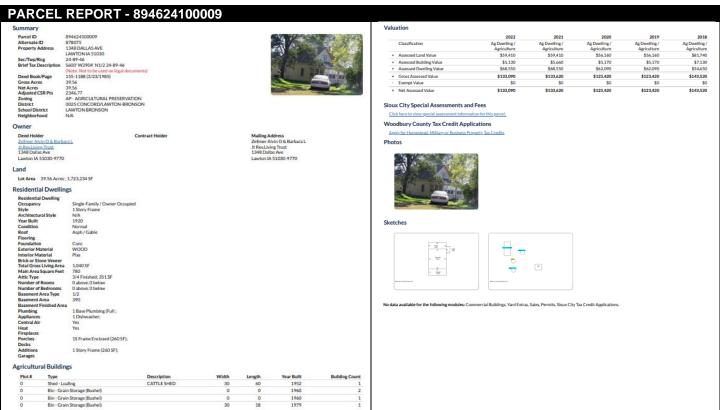
- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

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

Property Owner(s)	Mailing Address	s			Comments
Trustees of the Joint Revocable Living Trust of Alvin O. Zellmer and Barbar L. Zellmer	1348 Dallas Ave.	Lawton	IA	51030-9770	No comments
Bruce W. Sorenson and Rochelle L. Sorenson	1364 Dallas Ave.	Lawton	IA	51030	No comments
Taylor J. King and Luke A Madsen	1956 130th St.	Lawton	IA	51030	No comments
James Alvin Zellmer and Donna Maria Zellmer	604 N. Almond Dr.	Simpsonville	SC	29681-3412	No comments
David L. Zellmer	1330 Dallas Ave	Lawton	IA	51030-9770	No comments
Keith H. Zellmer and Pamel J. Zellmer	1336 Dallas Ave.	Lawton	IA	51030-9770	No comments
Trustees or their successors in trust, under the Wallace Sorenson Land Trust dated November 27, 2012 - 1/2 interest and trustee or her successor in interest, under the Julie A. Skaar Irrevocable Trust dated November 27, 2012 and any amendments thereof - 1/2 interest.	133 South Main Ave.	Sioux Falls	SD	57104	No comments
Schlesser Farms LLC	1546 Delaware Ave.	Lawton	IA	51030	No comments
Trustee or successors in interest under Bruce W. Sorensen Irrevocable Trust	1364 Dallas Ave.	Lawton	IA	51030	No comments
Trustee of Carl S. Palmquist Testamentary Trust	19504 Marcy St.	Elkhorn	NE	68022	No comments

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 4/4/22.
FIBERCOMM:	No comments
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments
LONGLINES:	No comments
LUMEN:	No comments
MAGELLAN PIPELINE:	This one also will not impact Magellan. – Bryan Ferguson, 4/4/22.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed rezoning for MEC electric: No conflicts. Have a great day Dan, feel free
MIDAMERICAN ENERGY COMPANY (Gas Division):	to let me know if you have any questions or concerns. – Casey Meinen, 4/4/22.
, ,	No conflicts from MEC "Gas". – Tyler Ahlquist, 4/4/22.
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 facilities at or adjacent to this location. NIPCO has no issues with this request. – 4/7/22.
NUSTAR PIPELINE:	No comments
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments
WIATEL:	No comments
WOODBURY COUNTY ASSESSOR:	No comments
WOODBURY COUNTY CONSERVATION:	No comments
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no comments/concerns at this time. – Rebecca Socknat, 4/4/22.
WOODBURY COUNTY EMERGENCY SERVICES:	All good on my side of the house. – Andrew Donawa, 4/1/22.
WOODBURY COUNTY ENGINEER:	See subdivision review memo.
WOODBURY COUNTY RECORDER:	No issues. – Diane Swoboda Peterson, 4/4/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No concerns or comments. – Kent Amundson, 4/4/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments on this proposed subdivision. – Neil Stockfleth, 4/4/22.
WOODBURY COUNTY TREASURER:	Both of these parcels have been paid in full [property taxes]. – Kim Koepke, 4/1/22.



91.00

89.00

58.00

57.00

32.00

93.00

89.00

58.00

32.00

7.73

2.60

3.04

0.67

13.66

0.94

1.01

0.42

3.71

39.56

703.43

231.40

176.32

38.19

437.12

87,42

89.89

24.36

118.72

2.444.39

703.43

231.40

176.32

38.19

437.12

44.29

46.54

15.97

115.97

2.346,77

### SOIL REPORT - 894624100009 Summary Parcel ID Gross Acres ROW Acres 894624100009 39.56 0.00 Gross Taxable Acres 39.56 Average Unadjusted CSR2 (2444.39 CSR2 Points / 39.56 Gross Taxable Acres) 61.79 **Sub Parcel Summary** Unadjusted CSR2 Points Adjusted CSR2 Points Description CSR2 100% Value 33.48 63.44 2 124 00 2 124 00 6.08 52.70 320.39 222.77 39.56 2,346.77 Soil Summary i≣ Columns ∨ Adjusted Adjusted CSR2 Points Description SMS Soil Name CSR2 Acres CSR2 Points NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES 100% Value 12B 93.00 5.78 537.54 537.54

MONONA SILT LOAM, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED

IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED

IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED

IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED

IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED

NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES

NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES

NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES

NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES

100% Value

100% Value

100% Value

100% Value

100% Value

Non-Crop

Non-Crop

Non-Crop

Non-Crop

Total

10B2

12C

1C3

170E

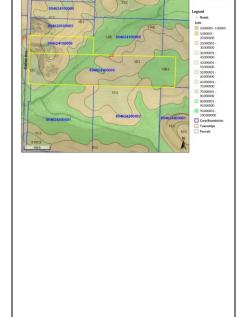
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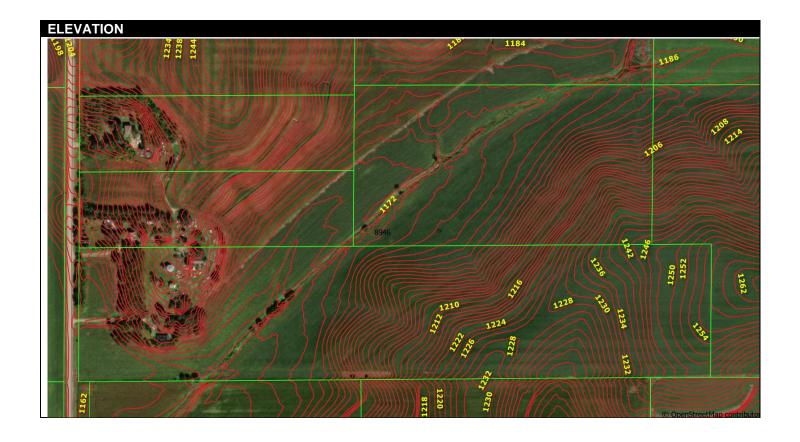
12B

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

		Date: 5/5/2	2	Weekly Agenda Da	te: 5/10/22 4:4	2	
	WORDING FOR AG a.Receive final rep #874705200002 fr Prcl. #8747052000	ENDA ITEM: port-Zoning Con om 4/25/22 b.P 002 from the Ag	nmission recomme ublic Hearing on a ricultural Preserva	ndation to approv Zoning Ordinanc tion to Agricultura	e Map Amendment Il Estates c.Approve	to rezone	
	Reading of the the Zoning Ordinance	: Ordinance as f	inal reading d.Wai	ve the 3rd Readin	ng of the Ordinance	e.Adopt the	
	Approve Ordina	nce 🗹	Approve Reso		Approve Motion	2	
	Public Hearing	<b>V</b>	Other: Informa	ational	Attachments 🔽		
	L JTIVE SUMMARY:						
The Board 874705200	of Supervisors will h 1002 from the Agricu	old a public hea Itural Preservat	aring to discuss a p ion (AP) to the Agri	roposed Zoning ( cultural Estates (	Ordinance Map Am AE) Zoning District	endment to rezon	e GIS Parce
Following the ordinance a	he public hearing, th approving the amend	e Board may de dment to the zo	efer consideration on the consideration of the cons	of the proposal; or	r reject the proposa	l; or proceed to a	dopt an
A 60% major owners of r subject pro	ority of the Board of nore than 20% of eit perty file a written ol	Supervisors shared ther, (a) the area ojection prior to	all be required to a a of the subject pro the conclusion of t	dopt the proposed perty or (b) the a he public hearing	d amendment of the rea of real property	e zoning district m lying within 500 f	nap if the eet of the
The Board	of Supervisors may sion of the public hea	impose restricti	ve conditions upon	the approval of a			
	·			·			
IDolf Ivener	GROUND: on behalf of the Ma	xvs Familv Farr	n LLC and the Bria	n and Bonnie Ive	ner Trust has filed :	an application for	a zoning
ordinance r	map amendment (recultural Estates (AE) application.	zone) on the pro Zoning District	operty known as G for the purpose of	IS Parcel #87470 establishing four	5200002 from the residential lots thro	Agricultural Prese ugh a concurrent	rvation (AP) minor
have been requested to stakeholde No objection Special Floand Subdivithis propose The Woodk	sal has been properly duly notified via an A to comment. As of A resincluding governments were received froud Hazard Area (Zovision Ordinances, the condition oury County Zoning oupervisors with the coupervisors with the condition outpervisors with the condition of the county Zoning oupervisors with the condition of the county Zoning oupervisors with the condition of the county Zoning outpervisors with the condition of the county Zoning outpervisors with the condition of the con	April 7, 2022 let April 18, 2022, nent agencies, up the stakehol ne A – Floodplate proposal mee that the proper Commission vo	ter about the April 2 o comments or inquitilities, and organiz ders. A small porti inn). Based on the test the appropriate ty owner(s) sign a pied 4-0 to recommend	25, 2022 Zoning ( uiries have been zations have been on of the property information receiveriteria for approve pavement agreenty	Commission public received about the notified and have that is not in any by that is not in any by dand the required. It is the recomment for any future pairs proposal at their	hearing and have proposal. Approposal. Approposal hearing been requested to buildable area is low ments set forth in mendation of staff paving along 220th April 25, 2022 more proposal	e been priate comment. ocated in the the Zoning to approve the Street.
1							

	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:
	eceive final report and Zoning Commission recommendation from their 4/25/22 meeting.
О	pen and close the public hearing. (Set Time: 4:42 PM)
Α	pprove the second reading of the ordinance as the final reading.
W	/aive the third reading.
Α	dopt the ordinance.
lf P	needed, a third public hearing/reading of the ordinance has been scheduled for Tuesday, 5/17/22 at 4:42 M.
	ACTION REQUIRED / PROPOSED MOTION:
M	lotion to receive final report and Zoning Commission recommendation from their 4/25/22 meeting.
IN	pen and close the public hearing. (Set Time: 4:42 PM) lotion to approve the second reading of the ordinance as the final reading
ΙN	lotion to waive the third reading. Iotion to adopt the Zoning District Map Amendment (Rezone) to the Zoning Ordinance.
'*	is a super the Learning Blother map , anonament (Nozone) to the Zermig Oranianoe.
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### WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET - SIOUX CITY, IA 51101

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

### Maxys Family Farm LLC / Brian and Bonnie Ivener Trust **REZONE FROM AP TO AE ZONING DISTRICT**

### FINAL REPORT - 4/28/22

### **APPLICATION DETAILS**

Applicant(s): Maxys Family Farm LLC / Brian and Bonnie Ivener Trust Application Type: Zoning Ordinance Map Amendment (Rezone) Current Zoning District: Agricultural Preservation (AP) Proposed Zoning District: Agricultural Estates (AE)

Total Acres: 10.90 Acres

Current Use: Farmland Proposed Use: Residential

Corn Suitability Rating(s): 75.51 Pre-application Meeting: Application Date: April 1, 2022 Legal Notice Date: April 13, 2022

Stakeholders' (1000') Letter Date: April 7, 2022 **Zoning Commission Public Hearing Date:** 

April 25, 2022

Board of Supervisors Public Hearing Dates: May 3, 2022 at 4:42 PM;

May 10 at 4:42 PM; May 17 at 4:42 PM

### PROPERTY DETAILS

Parcel(s): 874705200002 Township: T87N R47W (Liberty) Section: 5; Quarter: NE 1/4 NE 1/4

Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Floodplain) Address: 1390 220th St., Sergeant Bluff, IA 51054

### □ Adjacent Owners' Notification □ Stakeholder Comments

□ Application

□ Review Criteria

□ Legal Notification

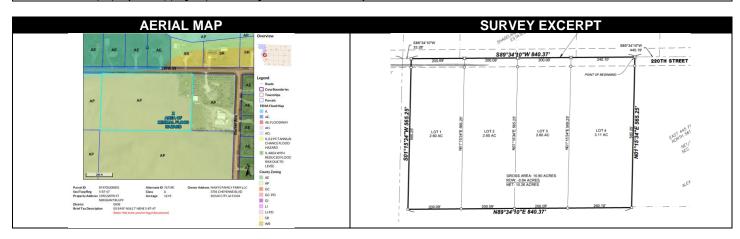
□ Supporting Documentation

**TABLE OF CONTENTS** 

□ Summary, Recommendation, Aerial & Plat Excerpt

### SUMMARY

Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a zoning ordinance map amendment (rezone) on the property (Parcel #874705200002) as referenced above from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of establishing four residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission public hearing and have been requested to comment. As of April 18, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. A small portion of the property that is not in any buildable area is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220th Street. The Woodbury County Zoning Commission voted 4-0 to recommend approval of this proposal at their April 25, 2022 meeting to the Board of Supervisors with the condition that the property owner(s) sign a pavement agreement with the county.



### **ZONING COMMISSION & STAFF RECOMMENDATION**

The Woodbury County Zoning Commission voted 4-0 to recommend approval of this proposal at their April 25, 2022 meeting to the Board of Supervisors with the condition that the property owner(s) sign a pavement agreement with the county.

Staff recommends approval of this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220th Street.

### **ZONING COMMISSION DRAFT MINUTES - APRIL 25, 2022**

### Minutes - Woodbury County Zoning Commission Meeting - April 25, 2022

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

ZC Members Present: Chris Zellmer Zant, Tom Bride, Corey Meister, Jeff O'Tool

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Dolf Ivener, Troy Husen, Jim Zellmer (Phone)

### Call to Order

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

### Public Comment on Matters Not on the Agenda

None

### Approval of Minutes

The February 28, 2022 minutes were approved. Motion to approve: Meister. Second: O'Tool. Motion approved 4-0.

### Public Hearing: Husen Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed an application for a four-lot minor subdivision on the property identified as Parcel #874705200002. The purpose of this proposal is to establish four residential lots. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the 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 lows Code closure requirements and found that the lots have adequate access. The County Engineer also stated that a paving agreement should be applied to this subdivision. Extraterritorial review was waived by the City of Sergeant Bluff with Resolution No. 21-33 on December 14, 2021. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. This proposal meets requirements of the Zoning and Subdivision Ordinances. Bride pointed out that the property has a significant Crop Suitability Rating (CSR – 75.51); this area is also located close to the Sergeant Bluff and residential development is already established. Dolf Ivener offered background on the purpose of the project. Troy Husen inquired about the effects of the pavement agreement including the costs. Priestley indicated that it is an 80/20 agreement where property owners would pay 40% along their frontage or lineal feet of each lot to the center of the road. If there is any proposal to pave the road in the future, there will likely be public hearings administered by county engineer's office. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign a pavement agreement for any future pavi

### Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Maxys Family Farm LLC/Brian and Bonnie Ivener Trust

Priestley read the preliminary report and staff recommendation into the record. Concurrently with the previous minor subdivision application, this proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township), Woodbury County, parcel #874705200002, for the purpose of establishing four residential lots. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. Based on the information received, staff recommends approval of this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meisner. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates with the condition that the owner(s) sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

### Public Hearing: Al and Barb Concord Place Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. The Joint Revocable Living Trust of Alvin O. Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on Parcel #894624100006 and #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with lows Code closure requirements and found that the lots have adequate access. Priestley noted that the county engineer initially had concerns about a proposed easement and its access to

a suitable driveway. However, the issue was resolved with a revised easement. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. One of the property owners, Jim Zellmer, was present via the phone but had no comments about the proposal. It is the recommendation of staff to approve this proposal. Motion to close public hearing: Meister. Second: Bride. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the Al and Barb Concord Place Addition Minor Subdivision: Bride. Second: O'Tool. Motion approved 4-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer Priestly read the preliminary report and staff recommendation into the record. Along with previous minor subdivision application, this proposal is to rezone Parcel #894624100009 from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District with an application for a three-lot subdivision on Parcel #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District . The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Motion to close Public Hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the proposed Zoning Ordinance Map Amendment from AP to AE to the Board of Supervisors: O'Tool. Second: Bride. Motion approved 4-0.

### Discussion of Solar Ordinance Provisions

Priestley facilitated a discussion concerning residential solar systems and utility scale solar systems including some of their differences as it pertains to permitting. He indicated that area communities such as the City of Sioux City administratively issue building permits for residential solar systems as accessory structures/uses to the properties. The current language in the Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. Priestley reminded the Commissioners that in recent years the county has received conditional use permit applications from both residential scale and utility scale projects. A revised ordinance may be required to address future needs depending on the intensity of the projects from residential to utility scale. Several considerations include road use agreements, decommissioning plans, setback requirements, etc. Priestley recommended that the Commission continue this discussion at future meetings and in the meantime, he will continue to research other jurisdictions and their respective policies as it comes to both residential and commercial solar operations.

### Public Comment on Matters Not on the Agenda

### Commissioner Comment or Inquiry

Bride bought up State of Iowa legislation – Senate File 2285, pertaining to the incorporated areas' ability to require annexation agreements. Priestley will research.

### Staff Update

Priestley formally informed the Commission that Director David Gleiser has left the Woodbury County Community & Economic Department.

### Adjourn

The meeting adjourned at 7:20 PM.



### OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance Section 2.02(4) Page 1 of 8

# Rezoning Application & Zoning Ordinance Map Amendment

			Thhiiraii	t Information:
Owner	Maxys Family Farm LL(		Applicant	Dolf Ivener
Address _	3701 Cheyenne Blvd		Address	3400 Talbot Rd
	Sioux City, IA 5110	4		Sioux City, IA 51103
Phone _	712-251-9967		Phone	712-251-9967
Engineer/Si	urveyorJustin Jensen	14	Phone_	515-450-9199
Property	Information:			
Property Ac or Address		Sergeant Bluff	, IA 510	54 proposed legal desc. attach
Quarter/Qu	arterNE 1/4 NE 1/4	Sec 5	Twnshp	/Range87-47
Parcel ID#	874705200002	or GIS #		Total Acres10.9
	e_AGRICULTURE			
Current Zor	ning _AP	Pr	oposed Zon	ingAE
Average Cr	rop Suitability Rating (submit NI	RCS Statement) 75	5.51	
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### 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.

THE WOODBURY COUNTY, IOWA B	OARD OF SUPERVISORS
	Keith Radig, Chairman
	Jeremy Taylor, Vice Chairman
	Rocky De Witt
Attest:	Matthew Ung
Patrick F. Gill, Woodbury County Auditor	Justin Wright

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

Adoption Timeline:
Public Hearing and 1st Reading:
Public Hearing and 2nd Reading:
Public Hearing and 3rd Reading:

Adopted:

### ITEM ONE (1)

Property Owner(s): Maxys Family Farm LLC, 3701 Cheyenne Blvd, Sioux City, IA 51104 and Brian & Bonnie Ivener Trust, 3701 Cheyenne Blvd, Sioux City, IA 51104

Petitioner Applicant: Maxys Family Farm LLC, 3701 Cheyenne Blvd, Sioux City, IA 51104 and Brian & Bonnie Ivener Trust, 3701 Cheyenne Blvd, Sioux City, IA 51104

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

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is located on a portion of Parcel #874705200002 and is described as

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE ALONG THE NORTH LINE OF SAID SECTION 5 S89°34'10"W, 445.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°34'10"W, 840.37 FEET; THENCE DEPARTING SAID NORTH LINE S01°15'34"W, 565.25 FEET; THENCE N89°34'10"E, 840.37 FEET TO THE WEST LINE OF THE EAST 445 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 5; THENCE ALONG SAID WEST LINE N01°15'34"E, 565.25FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 10.90 ACRES INCLUDING 0.63 ACRE OF ROAD RIGHT OF WAY AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

### **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.

eant Bluff

 Land Use Goal 1.3: Encourage development near cities by discouraging leap-frog development outside municipalities.

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

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

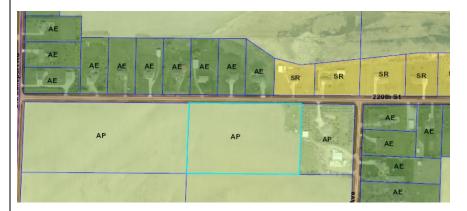
### Consideration of the Corn Suitability (CSR) of the property.

The CSR2 rating for this property includes ratings of 75.51. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses.



### Compatibility with adjacent land uses.

The rezone to AE is compatible with the area residential uses. As the image below illustrates, directly across the street, there are AE lots along with some SR lots.



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

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

### Any other relevant factors.

The purpose of the rezone to AE allows for more houses to be located within the same quarter-quarter section.

# Published in the Sioux City Journal's Legals Section on April 13, 2022. Published in the Sioux City Journal's Legals Section on April 13, 2022. Published in the Sioux City Journal's Legals Section on April 13, 2022. Published in the Sioux City Journal's Legals Section on April 13, 2022. Published in the Sioux City Journal's Legals Section on April 13, 2022. Published in the Sioux City Journal's Legals Section on April 13, 2022. Published In the Sioux City Journal's Legals Section on April 13, 2022. Published In the Sioux City Journal In the Sioux Section on In Section In the Section of April 12, 2022. Published In the Sioux City Journal In the Section In the Sectio

PROPERTY OWNER(S) NOTIFICATION - 1000



The <u>twenty-five (25)</u> property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a <u>April 7, 2022</u> letter of the public hearing before the Woodbury County Zoning Commission on <u>April 25, 2022</u>.

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

- 0 Phone Inquiries
- 0 Written Comments

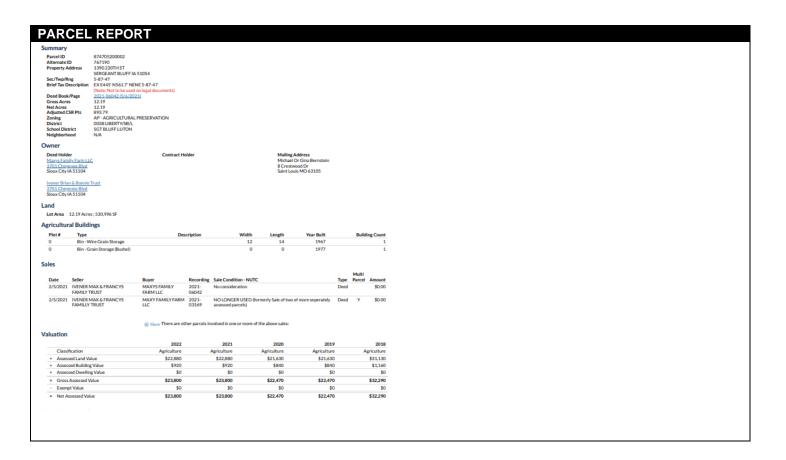
The names of the property owners are listed below.

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

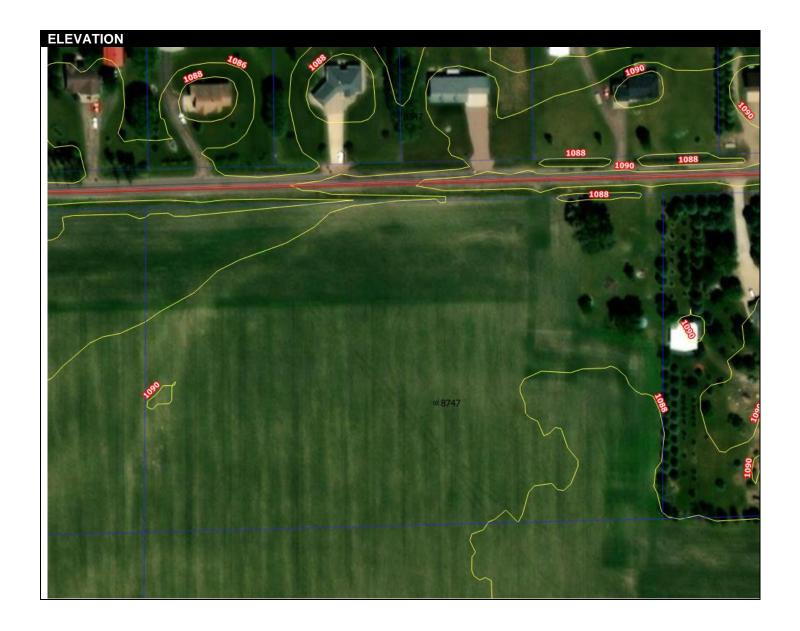
Property Owner(s)	Mailing Addre	ess			Comments
Maxys Family Farm & Brian & Bonnie Ivener Trust	3701 Cheyenne Blvd.	Sioux City	IA	51104	No comments.
Kevin Alexander and Linda C. Alexander	1396 220th St.	Sgt. Bluff	IA	51054	No comments.
Randall H. Kramer and Pamela A. Kramer	1420 220th St.	Sgt. Bluff	IA	51054	No comments.
Star L. King and Corey L. King	2210 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Joseph R. Hazel and Jennifer L. Hazel	2220 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Mitchell Mohr and Jenna Mohr	2230 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Galen L. Nelson and Linda D. Nelson	2248 Barker Ave.	Sgt. Bluff	IA	51054	No comments.

John Schumacher and Kristi Schumacher	2250 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Paul J. Snyder and Peggy L. Snyder	2254 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Pamela A. Smith and Randy S. Smith	2260 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Robert F. Schultz and Debra L. Schultz	7380 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Trent J. Stulich and Julie T. Stuclich	7384 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Joseph J. Hardy	7390 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Raymond A. Jackson and Jennifer A. Jackson	1359 220th St.	Sgt. Bluff	IA	51054	No comments.
Michael Kilburn and Stacy Kilburn	1361 220th St.	Sgt. Bluff	IA	51054	No comments.
Jacob A. Goodin and Sheli H. Goodin	1369 220th St.	Sgt. Bluff	IA	51054	No comments.
Josey L. Bales	1371 220th St.	Sgt. Bluff	IA	51054	No comments.
Scott A. Barto and Rachelle D. Barto	1379 220th St.	Sgt. Bluff	IA	51054	No comments.
Levi D. Montagne and Kelsey J. Montange	1383 220th St.	Sgt. Bluff	IA	51054	No comments.
Patrick Demara and Shelly Demara	1389 220t St.	Sgt. Bluff	IA	51054	No comments.
Troy M. Bowman and Danya R. Bowman	1391 220th St.	Sgt. Bluff	IA	51054	No comments.
Gary Kaiser and Stacy Kaiser	1395 220th St.	Sgt. Bluff	IA	51054	No comments.
Gary Lundeen	1401 220th St.	Sgt. Bluff	IA	51054	No comments.
Paul A. Jensen and Stacy L. Jensen	1409 220th St.	Sgt. Bluff	IA	51054	No comments.
Jack Cook Farms, Inc.	7374 Old Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 4/4/22.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	Below is a snapshot of Lumen's facility map in the area. Lumen doesn't have facilities adjacent to or within the subject property. Please let me know if you have any questions. – Paul Kingrey, 4/8/22.
MAGELLAN PIPELINE:	This project should not impact Magellan. – Bryan Ferguson, 4/4/22.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed minor subdivision for MEC electric: No conflicts – The developer should be aware that any requested extension of electric facilities will be subject to a customer contribution. Let me know if you have any questions or concerns. – Casey Meinen, 4/4/22.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 4/7/22.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no concerns or comments. – Rebecca Socknat, 4/4/22.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	I have no issues with the proposed rezone. – Mark Nahra, PE, 4/1/22.
WOODBURY COUNTY RECORDER:	No issues. – Diane Swoboda Peterson, 4/4/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No concerns or comments. – Kent Amundson, 4/4/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this subdivision proposal. – Neil Stockfleth, 4/4/22.
WOODBURY COUNTY TREASURER:	The taxes for this parcel are current. – Kimberlee Koepke, 4/1/22.







### **PAVEMENT AGREEMENT**

### AGREEMENT TO IMPOSE COVENANT BASED UPON LINEAL LOT FRONTAGE

The undersigned, Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006 and the Maxys Family Farm LLC, the owner(s) of the real estate known as Husen Addition Subdivision, an Addition to Woodbury County, Jowa, and legally described as follows:

Lots One (1), Two (2), Three (3), and Four (4) of Husen Addition Subdivision of Part of Section Five (5), Township Eight-Eight (87), North, Range Forty-Seven (47), West of the Fifth Principal Merdian, in the County of Woodbury and the State of Iowa, a ki'a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Plat of Husen Addition Subdivision we agree as follows:

- To impose a recorded covenant on 220th Street agreeing to an assessment on said Lots in event 220th Street is hard surfaced and graded for that purpose (the Improvement).
- 2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of 220° Street. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Lots in Husen Addition Subdivision will be a maximum of forty percent (40%) of the total actual cost of the improvements abuttines said lots.
- 3. The collective assessment shall be individually prorated to each of the Lots on the basis of the number of lineal feet on which each Lot abuts said roadway(s) and the respective Lot owners shall have the responsibility for the assessment only on the lot(s) within the Subdivision he/she or it may one.
- 4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Lots in Husen Addition Subdivision, then the lower amount shall be assessed against said lots.
- This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

2

### EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION S; THENCE ALONG THE NORTH LINE OF SAID SECTION S S897-3410FW, 445.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S897-3410FW, 840.37 FEET, THENCE DEPARTING SAID NORTH LINE S011-3514FW, 365.25 FEET; THENCE NS97-3410FE, 840.37 FEET TO THE WEST LINE OF THE EAST 445 FEET OF THE NE V. OF SAID SECTION S: THENCE ALONG SAID WEST LINE NOT191-334FE, 565.25 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 1.090 ACRES INCLUDING Q. 3A CREE OF ROAD RIGHT OF WAY AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

3

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

ELECTED OFFICIAL / DEPARTME	ENT HEAD / CITIZEN: Dan Priestlev	, CED Zoning Coordinator	
	INT READ / CITIZEN.	, CLD Lotting Gootamator	
a. Motion to receive the Zoning Com Concord Place Addition, a Minor Sub b. Motion to approve the Al and Barb	mission's recommendation from their 4/25/2 odivision. • Concord Place Addition Minor Subdivision	22 meeting to approve the final plat of Al and Ba plat and authorize the Chairman to sign the res	arb solution.
	ACTION REQUIRED	<b>)</b> :	
Approve Ordinance □	Approve Resolution 🗹	Approve Motion 🗹	
Public Hearing	Other: Informational	Attachments 🗹	
EXECUTIVE SUMMARY:  e Supervisors will receive the Wo	oodbury County Planning and Zonii	ng (P&Z) Commission's recommendat	ion and fina
ff report on said plat and shall ap h the consent of the subdivider. A	oodbury County Planning and Zonii prove, approve with conditions, or Approval shall be in the form of a re	disapprove the plat. The Board may tesolution to be certified as part of the	able the ma
BACKGROUND:			
		er have filed an application for a three-lot minor subdivision on 009 from AP to AE. The purpose of this application is so the e- ind and be incorporated with the proposed Lots 1 and 2 in the n to continue using the Trust property for agricultural purposes e Sioux City Journal Legals Section on April 13, 2022. The ne opriate stakeholders including government agencies, utilities, ounty Engineer found the proposal in compliance with lowa Core er than 2 miles for an incorporated area. The property is locate and Subdivision Ordinances, this proposal meets the appropria heir April 25, 2022 meeting to recommend approval of this min	
Joint Revocable Living Trust of Alvin O. Zellmer and Beenced above concurrently with a Zoning Ordinance Mapsed Lot 2, which is completely located within the Trust use of the land will remain unchanged for the foreseeal for residential purposes. No residential development is been duly notified via an April 7, 2022 letter about the notified and have been requested to comment. No cound that the lots have adequate access. Extraterritor rid Area (Zone A - Floodplain). Based on the informatine recommendation of staff to approve this proposal.			
Joint Revocable Living Trust of Alvin O. Zellmer and Beenced above concurrently with a Zoning Ordinance Massed Lot 2, which is completely located within the Trust use of the land will remain unchanged for the foreseeal for residential purposes. No residential development is been duly notified via an April 7, 2022 letter about the notified and have been requested to comment. No cound that the lots have adequate access. Extraterritor rd Area (Zone A - Floodplain). Based on the informatine recommendation of staff to approve this proposal.  FINANCIAL IMPACT:  The THERE IS A CONTRACT INVOLV	arbara Zellmer and Keith H. Zellmer and Pamela J. Zellm p Amendment application to rezone Parcel #8946241000 t Parcel (#894624100009) can be split from the farm gro- ble future, as the Trust and its immediate successors pla s planned. This proposal has been properly noticed in the April 25, 2022 Zoning Commission Public Hearing. App mments of opposition were submitted. The Woodbury Crial review is not required as the property is located great- on received and the requirements set forth in the Zoning The Woodbury County Zoning Commission voted 4-0 at the	er have filed an application for a three-lot minor subdivision on 109 from AP to AE. The purpose of this application is so the earn and be incorporated with the proposed Lots 1 and 2 in the not continue using the Trust property for agricultural purposes es Sioux City Journal Legals Section on April 13, 2022. The ne opriate stakeholders including government agencies, utilities, ounty Engineer found the proposal in compliance with lowa Coar than 2 miles for an incorporated area. The property is locate and Subdivision Ordinances, this proposal meets the appropriheir April 25, 2022 meeting to recommend approval of this min	the property as xisting house on the same AE Zoning I, while the house of the same of the same and the same a
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Joint Revocable Living Trust of Alvin O. Zellmer and Beenced above concurrently with a Zoning Ordinance Massed Lot 2, which is completely located within the Trust use of the land will remain unchanged for the foreseeal for residential purposes. No residential development is been duly notified via an April 7, 2022 letter about the notified and have been requested to comment. No coound that the lots have adequate access. Extraterritor rid Area (Zone A - Floodplain). Based on the informatine recommendation of staff to approve this proposal.  FINANCIAL IMPACT:  THERE IS A CONTRACT INVOLV PRIOR AND ANSWERED WITH A R  Yes	arbara Zellmer and Keith H. Zellmer and Pamela J. Zellm p Amendment application to rezone Parcel #89462410000 to Parcel (#894624100009) can be split from the farm gro ble future, as the Trust and its immediate successors plas planned. This proposal has been properly noticed in the April 25, 2022 Zoning Commission Public Hearing. Appil mements of opposition were submitted. The Woodbury Cial review is not required as the property is located great on received and the requirements set forth in the Zoning The Woodbury County Zoning Commission voted 4-0 at the Woodbu	er have filed an application for a three-lot minor subdivision on 109 from AP to AE. The purpose of this application is so the earn and be incorporated with the proposed Lots 1 and 2 in the not continue using the Trust property for agricultural purposes e Sioux City Journal Legals Section on April 13, 2022. The neopriate stakeholders including government agencies, utilities, ounty Engineer found the proposal in compliance with lowa Core than 2 miles for an incorporated area. The property is locate and Subdivision Ordinances, this proposal meets the appropriheir April 25, 2022 meeting to recommend approval of this minder the property is located to the property of the property in the property is located to the property of the property is located to the property of the property is located to the property of the property of the property is located to the property of the	the property as xisting house on the same AE Zoning I, while the house ighbors within 100 and organizations de closure required in the Special F ate criteria for appior subdivision required.
Joint Revocable Living Trust of Alvin O. Zellmer and Beenced above concurrently with a Zoning Ordinance Massed Lot 2, which is completely located within the Trust use of the land will remain unchanged for the foreseeal for residential purposes. No residential development is been duly notified via an April 7, 2022 letter about the notified and have been requested to comment. No coound that the lots have adequate access. Extraterritor rid Area (Zone A - Floodplain). Based on the informatine recommendation of staff to approve this proposal.  FINANCIAL IMPACT:  THERE IS A CONTRACT INVOLV PRIOR AND ANSWERED WITH A R  Yes	arbara Zellmer and Keith H. Zellmer and Pamela J. Zellm p Amendment application to rezone Parcel #89462410000 to Parcel (#894624100009) can be split from the farm gro ble future, as the Trust and its immediate successors plas planned. This proposal has been properly noticed in the April 25, 2022 Zoning Commission Public Hearing. Appil mements of opposition were submitted. The Woodbury Cial review is not required as the property is located great on received and the requirements set forth in the Zoning The Woodbury County Zoning Commission voted 4-0 at the Woodbu	er have filed an application for a three-lot minor subdivision on 109 from AP to AE. The purpose of this application is so the earn and be incorporated with the proposed Lots 1 and 2 in the not continue using the Trust property for agricultural purposes es Sioux City Journal Legals Section on April 13, 2022. The ne opriate stakeholders including government agencies, utilities, ounty Engineer found the proposal in compliance with lowa Coar than 2 miles for an incorporated area. The property is locate and Subdivision Ordinances, this proposal meets the appropriheir April 25, 2022 meeting to recommend approval of this min	the property as xisting house on the same AE Zoning in white the house gighbors within 100 and organizations and e closure required in the Special Fate criteria for applor subdivision required.

Motion to receive the final staff report and P&Z Commission's recommendation from their 4/25/22 meeting.

Motion to approve the Al and Barb Concord Place Addition final plat and authorize the Chairman to sign the

Approved by Board of Supervisors April 5, 2016.

resolution.



## WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET - SIOUX CITY, IA 51101

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

## AL AND BARB CONCORD PLACE ADDITION MINOR SUBDIVISION PROPOSAL FINAL REPORT – 5/5/22

### **APPLICATION DETAILS**

Owner(s): Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer and Keith H. Zellmer and Pamela J. Zellmer

Application Type: Minor Subdivision

Subdivision Name: Al and Barb Concord Place Addition

Application Date: March 30, 2022 Subdivision Area: 50.424 (3 Lots) Legal Notice Date: April 13, 2022

Stakeholders (1000') Letter Date: April 7, 2022 Zoning Commission Public Hearing Date: April 25, 2022 Board of Supervisors Review Date: May 10, 2022

### PROPERTY DETAILS

Parcel(s): 894624100006 and 894624100009

Township: T89N R46W (Concord)

Section: 24, Quarter: SW ¼ NW ¼, SE ¼ NW ¼, & SW ¼ NE ¼ Zoning District: Agricultural Estates (AE) & Agricultural

Preservation (AP)

Floodplain District: Zone A (Floodplain)

Addresses: 1336 Dallas Ave., Lawton, IA 51030-9770

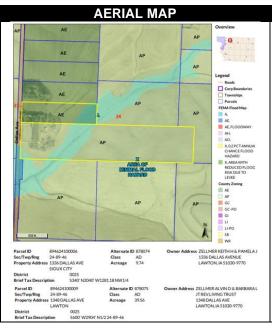
1348 Dallas Ave., Lawton, IA 51030-9770

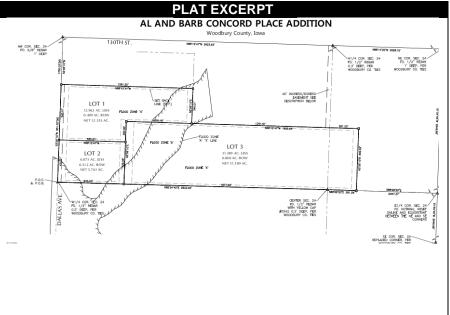
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- □ Summary, Aerial & Plat Excerpt, Recommendation
- □ Zoning Commission Certificate
- □ Zoning Commission Draft Minutes (April 25, 2022)
- □ Application
- □ Review Criteria
- □ Extraterritorial Review
- □ Legal Notification
- □ Adjacent Owners' Notification
- □ Stakeholder Comments
- □ Supporting Documentation
- □ Final Plat

### SUMMARY

The Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on the property as referenced above concurrently with a Zoning Ordinance Map Amendment application to rezone Parcel #894624100009 from AP to AE. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with lowa Code closure requirements and found that the lots have adequate access. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. The Woodbury County Zoning Commission voted 4-0 at their April 25, 2022 meeting to recommend approval of this minor subdivision request.





### **ZONING COMMISSION & STAFF RECOMMENDATION**

The Woodbury County Zoning Commission voted 4-0 at their April 25, 2022 meeting to recommend approval of this minor subdivision request.

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

### ZONING COMMISSION RESOLUTION CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION are the Chair and the Administrator of the Zoning Commission we do further certify that said Zoning Commission did take d Plat and that said Zoning Commission did on \_\_\_ 2022 recommend to the Woodbury County Board of pproval of said Subdivision. 25th day of April

### **ZONING COMMISSION DRAFT MINUTES - APRIL 25, 2022**

Minutes - Woodbury County Zoning Commission Meeting - April 25, 2022

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

ZC Members Present: County Staff Present: Public Present:

Chris Zellmer Zant, Tom Bride, Corey Meister, Jeff O'Tool

Dan Priestley, Dawn Norton Dolf Ivener, Troy Husen, Jim Zellmer (Phone)

Call to Order

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

Public Comment on Matters Not on the Agenda

### Approval of Minutes

The February 28, 2022 minutes were approved. Motion to approve: Meister, Second: O'Tool. Motion approved 4-0.

Public Hearing: Husen Addition Minor Subdivision Proposal

Public Hearing: Husen Addition Minor Subdivision Proposal
Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of the Maxys Family Fam
LLC and the Brian and Bonnie Ivener Trust has filed an application for a four-lot minor subdivision on the property identified as
Parcel #874705200002. The purpose of this proposal is to establish four residential lots. This proposal has been properly noticed
in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 7,
2022 letter about the 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 lows Code closure requirements and found that the lots have adequate access. The County Engineer also stated
that a particular propert is build be applied to this guidalistics. Extratographic required by the City of Someont Bluff that a paving agreement should be applied to this subdivision. Extraterritorial review was waived by the City of Sergeant Bluff with Resolution No. 21-33 on December 14, 2021. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. This proposal meets requirements of the Zoning and Subdivision Ordinances. Bride pointed out that the property has a significant Crop Suitability Rating (CSR – 75.51); this area is also located close to the Sergeant Bluff and residential development is already established. Dolf Ivener offered background on the purpose of the project. Troy Husen inquired about the effects of the pavement agreement including the costs. Priestley indicated that it is an 80/20 agreement where property owners would pay 40% along their frontage or lineal feet of each lot to the center of the road. If there is any proposal to pave the road in the future, there will likely be public hearings administered by county engineer's office. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend approval of the Husen Addition Minor Subdivision to the Board of Supervisors with the condition property owners sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

### Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Maxys Family Farm LLC/Brian and Bonnie Ivener Trust Priestley read the preliminary report and staff recommendation into the record. Concurrently with the previous minor subdivision

application, this proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township), Woodbury County, parcel #874705200002, for the purpose of establishing four residential lots. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. A portion of the property is in the Special Flood Hazard Area - Zone A - Floodplain but not in any buildable area. Based on the information received, staff recommends approval of this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220th Street. Motion to close public hearing: O'Tool. Second: Meisner. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates with the condition that the owner(s) sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

### Public Hearing: Al and Barb Concord Place Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. The Joint Revocable Living Trust of Alvin O. Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on Parcel #894624100006 and #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with lowa Code closure requirements and found that the lots have adequate access. Priestley noted that the county engineer initially had concerns about a proposed easement and its access to

a suitable driveway. However, the issue was resolved with a revised easement. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. One of the property owners, Jim Zellmer, was present via the phone but had no comments about the proposal. It is the recommendation of staff to approve this proposal. Motion to close public hearing: Meister. Second: Bride. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the Al and Barb Concord Place Addition Minor Subdivision: Bride. Second: O'Tool. Motion approved 4-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal - Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer Priestly read the preliminary report and staff recommendation into the record. Along with previous minor subdivision application, this proposal is to rezone Parcel #894624100009 from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District with an application for a three-lot subdivision on Parcel #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Motion to close Public Hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the proposed Zoning Ordinance Map Amendment from AP to AE to the Board of Supervisors: O'Tool. Second: Bride. Motion approved 4-0.

### Discussion of Solar Ordinance Provisions

Priestley facilitated a discussion concerning residential solar systems and utility scale solar systems including some of their differences as it pertains to permitting. He indicated that area communities such as the City of Sioux City administratively issue building permits for residential solar systems as accessory structures/uses to the properties. The current language in the Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. Priestley reminded the Commissioners that in recent years the county has received conditional use permit applications from both residential scale and utility scale projects. A revised ordinance may be required to address future needs depending on the intensity of the projects from residential to utility scale. Several considerations include road use agreements, decommissioning plans, setback requirements, etc. Priestley recommended that the Commission continue this discussion at future meetings and in the meantime, he will continue to research other jurisdictions and their respective policies as it comes to both residential and commercial solar operations.

### Public Comment on Matters Not on the Agenda

None

### Commissioner Comment or Inquiry

Bride bought up State of Iowa legislation – Senate File 2285, pertaining to the incorporated areas' ability to require annexation agreements. Priestley will research.

### Staff Update

Priestley formally informed the Commission that Director David Gleiser has left the Woodbury County Community & Economic Department.

### Adjourn

The meeting adjourned at 7:20 PM.

APPLICATION
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# WOODBURY COUNTY, IOWA MINOR SUBDIVISION APPLICATION

lowa 51030-9770 lowa 51030-9770 State and Zip + 4 State and Zip + 4 Applicant: Joint Revocable Living Trust of Alvin O. Zellmer and Barbara Zellmer GIS Parcel # 894624100009 Name of Subdivision; AL AND BARB CONCORD PLACE ADDITION E-mail Address: Jim@ka0vsl.com To subdivide land located in the warm Quarter of Section 24 Name of Owner City or Town City or Town Lawton Lawton Property Address; 1348 Dallas Ave. Mailing Address: 1348 Dallas Ave. PIVCell #: 864-477-8825 Civil Township 89

# Attachments:

Subdivision Area in Acres 50,424

Number of Lots 3

- 1. Ten (10) copies of grading plans; if required.
- Twenty six (26) capies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
- An attorney's opinion of the abstract.
- A Certified abstractor's certificate to include:
   a. Legal description of proposed subdivision.
- Plat showing clearly the boundaries of the subdivision.
- A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000°.

Ph/Cell: 712-253-3328 PIVCell: 712-873-3229 Attorney: Ryan Beardshear Craig Beedle Surveyor:

any C. Sohner as Take I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections. Owner's Signature:

Flood District

Zoning District AP

For Office Use Only

5 Lots or more (\$250 plus \$5 per fot). Application Fee COMMUNITY & ECONOMICDEVELOPMENT ECEINE WOODBURY COUNTY MAR 3 0 2022 0

0 No. 6751 4 Lots or less (\$200) \$ 300 CL# 6890

# MINOR SUBDIVISION APPLICATION WOODBURY COUNTY, IOWA

Zellmer	
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Pamela	
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Zellmer	
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Keith	
pplicant:	

	Name of Owner	
Mailing Address: 1336 Dallas Ave.	Lawton low	lowa 51030-9770
Street	City or Town Sta	State and Zip + 4
Property Address: 1336 Dallas Ave.	Lawton low	lowa 51030-9770
Street	City or Town Star	State and Zip + 4
Ph/Cell #; 712-710-2315 E-mail	E-mail Address: kzellmer@pobox.com	
To subdivide land located in the sorvenorm Quarter of Section 24	Quarter of Section 24	
Civil Township 89	GIS Parcel # 894624100006	
Name of Subdivision: AL AND BARB CONCORD PLACE ADDITION	CONCORD PLACE ADDITION	
Subdivision Area in Acres 50.424	Number of Lots 3	

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- 2. Twenty six (26) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
- An attorney's opinion of the abstract.
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- a. Legal description of proposed subdivision.
   b. Plat showing clearly the boundaries of the subdivision.
- A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000°.

Ph/Cell: 712-253-3328 Ph/Cell: 712-873-3229 Surveyor: Craig Beedle

Attomey: Ryan Beardshear

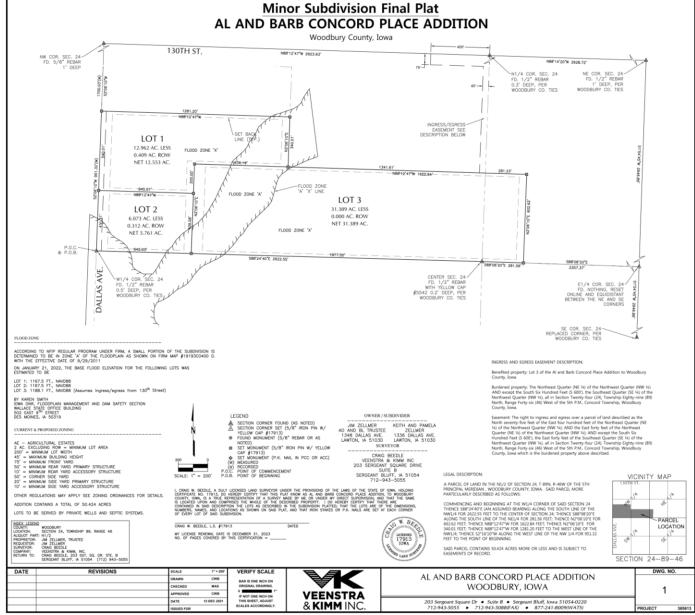
I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: Little

4 Lots or less (\$200) \$ 200 5 Lots or more (\$250 plus \$5 per lot) Date Zoning Director. Flood District Zoning District MP For Office Use Only: ECEIVEN

OK #19890 No. 6751

> COMMUNITY & ECONOMIC DEVELOPMENT WOODBURY COUNTY MAR 3 0 2022



### Minor Subdivision Final Plat AL AND BARB CONCORD PLACE ADDITION

Woodbury County, Iowa

CERTIFICATE OF COUNTY ASSESSOR

DEDICATION  KNOW ALL MEN BY THISE PRISENTS:  THAT KEITH HANSIN ZELLMER, PAMELA JEAN ZELLMER, AND JAMES ZELLMER, 8/A AS TRUSTEE OF THE INDIT REVOCABLE LIVING TRUST OF ALVIN O, ZELLMER AND IA AS TRUSTEE OF THE INDIT REVOCABLE LIVING TRUST OF ALVIN O, ZELLMER AND IA AS TRUSTEE OF THE INDIT REVOCABLE LIVING TRUST OF ALVIN O, AND IDECREBED ALS STATE TO THE SERVICE OF ALVIN CAUSE OF THE INDIT REVOCABLE STATE TO THE JEAL BY AND AS THE SERVICE AND AS THE SERVICE AND THE THE BEAL BY AND AS THE SERVICE ONSENT AND IN ACCORDANCE WITH THE DESIRE AS OWNERS AND PRO	RBARA L. ZELLMER, THE ATE, HAS IN THE GED AND PLATTED INTO AID CERTIFICATE OF CRAIG ATE TO BE KNOWN AS AL 5 SAME IS PREPARED WITH	CERTIFICATE OF WOODBURY of COMMISSION  We do hereby certify that we are the Chair and the Adm Woodboxy County (load and we do further certify that a culture deliverent the attained pit and only that and county the	inistrator of the Zoning Commission, aid Zoning Commission did take Commission did on	L. Julie Concelly, hereby certify that on the	, a copy of this plat was
EXECUTED THE DAY OF 20  Ketth Hamen Zellmer, OWNER Pamela Joan Zellmer, OWNER   James Alvin Zellmer, as Trustee of the Joint		Chris Zelimer Zant, Chair Woodbury County Zoning Commission Dated		AUDITOR'S APPROVAL OF SUBDIVISION N The County Auditor hereby accepts and approves the Name or Title of said subd as required by Code of Jones Section 354 6(2).	
James Avin Acitimer, as i rander of the John State of the John Sta		BOARD OF SUPERVISORS' RES RESOLUTION NO.		Dated	F RECORDING
NOTARY PUBLIC  STATE OF		RESOLUTION ACCEPTING AND APPROVING AL AND BAR WOODBURY COUNTY EDWA. WHEREAS THE CONNERS AND PROPRIETORS DID ON THE ADDRESS THE WOODBURY COUNT ZOAMS COME DESIGNATED AS AL AND BARB CONCORD PLACE ADDIT AND COUNTY AND	HEDAY OF INMISSION A CERTAIN PLAT ION, WOODBURY COUNTY, IOWA:  TH ALL OF THE PROVISIONS OF THE WOODBURY COUNTY, IOWA, WITH	State of lowe)    SS	M. recorded in Plat County, Iowa.
NOTARY PUBLIC  STATE OF : COUNTY OF : This document was advanwledged before me on by James Alvin Zellmer.		THEOCOMMISSION THE ACCEPTANCE AND APPROVAL OF WHEREAS THE COUNTY ENGINEER OF WOODBURY COUTER ACCEPTANCE AND APPROVAL OF SAID PLAT.  NOW THEREOUSE BE AND IT IS HEREIN RESCUED BY SUPERVISORS WOODBURY COUNTY, IDNA CONCORD PLACE ADDITION. WOODBURY COUNTY, IDNA CCEPTED AND APPROVED AND THE CHARMANA MAD COUNTY BOARD OF SUPERVISORS OF WOODBURY COUNTY, IDNA CEPTED AND APPROVED THE CHARMANA MAD REPORTED BY LAW.  PASSED AND APPROVED THE SAID.	SAID PLAT; AND INTY, IOWA HAS RECOMMENDED THE WOODBURY COUNTY BOARD OF HAT THE PLAT OF AL AND BARB SICKER SHEET SHEET SICKER SHEET S	Patrick F. Gill. Auditor and Recorder By: Daine Swelboda Peterson, Deputy Woodbury County, Iowa  TREASURER'S CERTIFICATE OF TAXES AND : ASSESSMENTS  1. Tina M. Bertrand, Treasurer of Woodbury County, Iowa, do hereby certify that the	
NOTARY PUBLIC  ATTORNEY'S TITLE OPINION  TO THE PUBLIC  I, RYAN D. BEARDSHEAR, ATTORNEY AT LAW, HAVE CAREFULLY EXAMINED AN AIR PREPARED FOR PLATTING OF AL. AND BARB CONCORD PLACE ADDITION TO WOODBE CAPTION DESCRIPTION FLUX DESCRIBED AS SET FORTH IN THE SURVIVOUS CERTI HERWITH. THE ARSTRACT OF ITILE PREPARED BY INCLESSOR ARS TRACT COMPANY.  AND PAMEL, BAN ZILLABER, INSANDAN DAND WELL WITH PLAL BEGINSTON SURVIVE IN COMMON, AND JAMES ZELLABER, AND AMONT SELLABER, AND THE SET OF THE STORY OF ALL THE ADDITION OF THE SET OF A LIVEN ZELLABER, AND MORTIGAGES.  RYAN D. BEARDSHEAR, ATTORNEY MICHAEL BEAUTY AND	RY COUNTY, IOWA. THE ICATE ATTACHED AND FILED AND LAST CONTINUED THIS N KEITH HANSEN ZELLMER RSHIP AND NOT AS TENANTS HE IOINT REVOCABLE LIVING	KEITH RADIG CHARDAG CHARDAG CHARDAG SUPERVISORS WOODBURY COUNTY, DWA ATTEST PATRICK F, GILL SECRETARY		Dated	fied Special Assessments.  rtify that the equiverents equipment of the special and the special
DATE REVISIONS SCALE ORANN CHECKED APPROVED APPROVED	NTS VERIFY SCALE CWB BAR IS ONE SCHOOL ON MAG GIGHAL DRAWNS S WHOT ONE SHOULD BE 15 WHOT ONE SHOULD BE 15	VEENSTRA		Mark Nahra, P.E. Woodbury Country Engineer  RB CONCORD PLACE ADDITION WOODBURY, IOWA	DWG. NO.
DATE 1	SCALES ACCORDINGLY.	& KIMM INC.	203 Sergeant Squar 712-943-5055	re Dr. • Suite B. • Sergeant Bluff, Iowa 51054-0220 • 712-943-5088(FAX) • 877-241-8009(WATS)	PROJECT 3656

### CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)

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

shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per lowa Code.

Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.

shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and

Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.

shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and

Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.

shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and

Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.

shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.

Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff does not recommend any specific use conditions for this final plat. Staff recommends approval of the final plat as proposed.

### **ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)**

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

shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and

Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.

shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and

Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.

may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and

Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.

shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.

During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

### **EXTRATERRITORIAL REVIEW**

This property is further than two (2) miles from a corporate boundary and extraterritorial review is not required under Iowa Code, Section 354.9.

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### **LEGAL NOTIFICATION**

Published in the Sioux City Journal's Legals Section on April 13, 2022.

PROMINGE MAP ARRENMENT
(PEDODIST, SERVINGER), AND

TEXANIO DIGUIANCE MAP ARRENMENT
(PEDODIST, STANIO COMMITS, STANIO COMMITS,

### PROPERTY OWNER(S) NOTIFICATION - 1000'



The <u>ten (10)</u> property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **April 7, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **April 25, 2022**.

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

- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

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

Property Owner(s)	Mailing Add	ress			Comments
Trustees of the Joint Revocable Living Trust of Alvin O. Zellmer and Barbara L. Zellmer	1348 Dallas Ave.	Lawton	IA	51030-9770	No comments.
Bruce W. Sorenson and Rochelle L. Sorenson	1364 Dallas Ave.	Lawton	IA	51030	No comments.
Taylor J. King and Luke A Madsen	1956 130th St.	Lawton	IA	51030	No comments.
James Alvin Zellmer and Donna Maria Zellmer	604 N. Almond Dr.	Simpsonville	SC	29681-3412	No comments.
David L. Zellmer	1330 Dallas Ave	Lawton	IA	51030-9770	No comments.
Keith H. Zellmer and Pamel J. Zellmer	1336 Dallas Ave.	Lawton	IA	51030-9770	No comments.
Trustees or their successors in trust, under the Wallace Sorenson Land Trust dated November 27, 2012 - 1/2 interest and trustee or her successor in interest, under the Julie A. Skaar Irrevocale Trust dated November 27, 2012 and any amendments thereof - 1/2 interest.	133 South Main Ave.	Sioux Falls	SD	57104	No comments.
Schlesser Farms LLC	1546 Delaware Ave.	Lawton	IA	51030	No comments.
Trustee or sucdcessor in interest under Bruce W. Sorensen Irrevocable Trust	1364 Dallas Ave.	Lawton	IA	51030	No comments.
Trustee of Carl S. Palmquist Testamentary Trust	19504 Marcy St.	Elkhorn	NE	68022	No comments.

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 4/4/22.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	This one also will not impact Magellan. – Bryan Ferguson, 4/4/22.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed rezoning for MEC electric: No conflicts. Have a great day Dan, feel free
	to let me know if you have any questions or concerns. – Casey Meinen, 4/4/22.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts from MEC "Gas". – Tyler Ahlquist, 4/4/22.
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 facilities at or adjacent to this location. NIPCO has no issues with this request. – 4/7/22.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no comments/concerns at this time. – Rebecca Socknat, 4/4/22.
WOODBURY COUNTY EMERGENCY SERVICES:	All good on my side of the house. – Andrew Donawa, 4/1/22.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	No issues. – Diane Swoboda Peterson, 4/4/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No concerns or comments. – Kent Amundson, 4/4/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments on this proposed subdivision. – Neil Stockfleth, 4/4/22.
WOODBURY COUNTY TREASURER:	Both of these parcels have been paid in full [property taxes]. – Kim Koepke, 4/1/22.

### REVIEW MEMO - WOODBURY COUNTY ENGINEER - MARK NAHRA, PE



### Woodbury County Secondary Roads Department

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

mnahra@sioux-city.org

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

SECRETARY tbrice@sioux-city.org

Dan Priestley, Woodbury County Zoning Coordinator To:

Mark J. Nahra, County Engineer

Subject: Al and Barb Concord Place Addition – a minor subdivision application

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

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section
- I reviewed the parcel for access. Existing driveways for lots 1 and 2 meet current sight distance requirements and can continue to serve these lots.
- Right now, it appears as if a driveway near the south line of lot 2 serves the agricultural ground. Based on field measurements, I would suggest that this second driveway near the south line of lot 2 should be used to provide an easement for access to lot 3. A driveway cannot be located at the proposed easement off 130th Street shown on the east side of the property. The location does not have adequate sight distance to allow a driveway. There are two other driveways serving the ag ground off 130th Street, but neither of these driveways meet current sight distance requirements but would be allowed to be used as they are existing and have been in
- I have no other concerns or issues with this minor subdivision application

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

Please review the subsequent emails to the right for clarification concerning County Engineer Nahra's concerns about access.

Following changes, the pre-existing field entrance will be used for access to the easement/lot.

Mark Nahra Tuesday, April 19, 2022 9.07 AM Craig Beedle; Daniel Priestley; Ryan Beardshe ar Jim zellmer Re: Zellmer - E ASEMENT

Received the plat. Looks acceptable to me

From: Craig Beedle <cbeedle@v=k.net>
Sent: Tuesday, April 19, 2022 8:10:41 AM
To Daniel Priestey depriestag@woodburycountylowa.gov>; Mark Nahra <mnahra@woodburycountylowa.gov>; Ryar
Beardshear <ryan beardshear@movillelawoffice.com>
Cc. Jim zellmer < Jim@ka0vsl.com>
Subjects RE: Zellmer = E-SSEMENT

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

From: Daniel Priestley <dpriestley@woodbury.countylows.gov>
Sent: Monday, April 18, 2022 4:27 PM
TO Mark Nahra -mashra@woodbury.countylows.gov>, Ryan Beardshear <ryan.beardshear@movillelawoffice.com>
Cit Craig Beedle <cbeddle@w.k.net>.jim.zelimer <dim@ka0vst.com>
Subject: 88:2:Elmer <-ASSMENT -ASSMENT N

Please update final plat in terms of the easement as per County Engineer' Nahra's comments (see below). Please email an updated digital copy to me as soon as possible sof may provide it to the Zoning Commission members for the Monday, April 25 meeting. Please let me know if you have questions.

From: Mark Nahra <mnahra@y odburycountylowa.gov>

From: Mark Nans <u>Amahaw woodbey M</u> Smitt Monday, Agril 18, 2022 250 PM Tor Rya Beardsher 27, <u>Amahardshear@movillelawoffice.com</u>> Cr Danie Priesty opinisties@woodbury.countylowa.gov>; Craig Beedle <cbedle@vk.net>; Jim zellmer

Ve checked the easement. It meets the goal for access to the new lot. We noted that the "west" notation in line 2 hould be "east" however to reach the easement on the east line of the parcel.

From: Ryan Beardshear < ryan.beardshear@movillelawoffice.com>
Sent: Monday, April 11, 2022 4:26:10 PM
Tor Mark Nahra Cmahara @wooddurycountylowa.gou>
Cc: Daniel Priestley of <u>priestley@woodburycountylowa.gou</u>>
Cc: Daniel Priestley of <u>priestley@woodburycountylowa.gou</u>>; Craig Beedle <a href="mailto:sentley@woodburycountylowa.gou">sentley@www.gou</a>

CAUTION: This email originated from OUTSDE 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 WCKC and DO NOT ENTER any data.

Mark,

I'm trying this again. The mnahra@sioux-city.org email address I tried the first time was bounced back to me. Please see the below message and the attached document.

RYAN D. BEARDSHEAR

METCALF & BEARDSHEAR ATTORNEYSATLAW 232 Main Street | P.O. Box 454 | Moville, IA 51039 T: 712-873-3229 | F: 712-873-3228

RIAN D. BEATOSHEAR

From: Ryan Beardshear Sent: Monday, April 11, 2022 4:22 PM

To: mnahra@sioux-city.org
Cc: Daniel Priestley <a href="mailto:dpriestley@woodburycountyjowa.gov">dpriestley@woodburycountyjowa.gov</a>; Craig Beedle <a href="mailto:cbeedle@v-k.net">cbeedle@v-k.net</a>; Jim zellmer

<<u>Jim@ka0vsl.com</u>>
Subject: Zellmer - EASEMENT

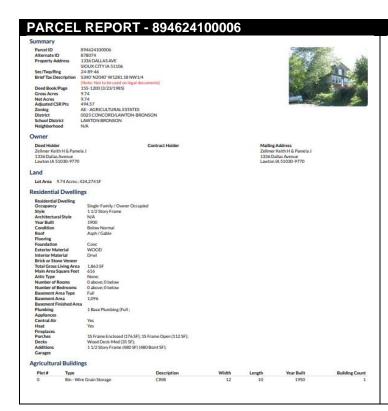
Would the revised legal description in the attached easement for the AI & Barb Concord Addition minor subdivision

RYAN D. BEARDSHEAR



METCALF & BEARDSHEAR ATTORNEYSATLAW

232 Main Street | P.O. 80x 454 | Moville, IA 51039 T: 712-873-3229 | F: 712-873-3228 ryan.beardshe.ar@







### Sketches





No data available for the following modules: Commercial Buildings, Sales, Permits, Sloux City Tax Credit Applications

### PARCEL REPORT - 894624100009 Valuation 894624100009 878075 1348 DALLAS AVE LAWTON IA 51030 24-89-46 5600° W2904° N1/2 24-89-46 Note: Not to be used on legal documents) 2022 Ag Dwelling / Agriculture \$59,410 \$5,130 \$68,550 \$133,090 \$0 2021 Ag Dwelling / Agriculture \$59,410 \$5,660 \$68,550 \$133,620 \$0 2019 Ag Dwelling / Agriculture \$56,160 \$5,170 \$62,090 \$123,420 \$0 2018 Ag Dwelling / Agriculture \$81,740 \$7,130 \$54,650 \$143,520 \$0 2020 Ag Dwelling / Agriculture \$56,160 \$5,170 \$62,090 \$123,420 \$0 + Assessed Land Value + Assessed Building Value + Assessed Dwelling Value = Gross Assessed Value - Exempt Value = Net Assessed Value Deed Book/Page Gross Acres Net Acres Adjusted CSR Pts Zoning District School District Neighborhood (Note: Not to be used on legal documents 135-1188 (3/23/1983) 39-56 39-56 39-57 AP-AGRICULTURAL PRESERVATION 0025 CONCORDILAWTON-BRONSON LAWTON BRONSON NA Sioux City Special Assessments and Fees Woodbury County Tax Credit Applications Owner Deed Holder Zeilmer Alvin O.S. Barbara L. Mailing Address Zelimer Alvin O & Barbara L Jt Rev.Living Trust 1348 Dallas Ave Lawton IA 51030-9770 It Rev Living Trust 1348 Dallas Ave Lawton IA 51030-9770 Land Lot Area 39.56 Acres ; 1,723,234 SF Residential Dwellings Residential Dwellings Residential Dwelling Occupancy Style S Single-Family / Owner Occupied 1 Story Frame N/A 1920 Normal Asph / Gable Sketches 15 Frame Enclosed (260 SF): Agricultural Buildings Plot# Type Shed - Loafing Bin - Grain Storage (Bushel) Year Built 1952 1960 Description CATTLE SHED Bin - Grain Storage (Bushel) Bin - Grain Storage (Bushel)

### **SOIL REPORT - 894624100006**

Summary

Parcel ID
Gross Acres
ROW Acres
Gross Taxable Acres
Exempt Acres
Net Taxable Acres
Average Unadjusted CSR2 894624100006 9.74 0.00 9.74 0.00 9.74 (53.32

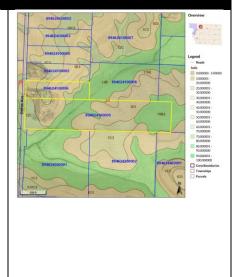
(Gross Taxable Acres - Exempt Land) (519.37 CSR2 Points / 9.74 Gross Taxable Acres)

### **Sub Parcel Summary**

Adjusted CSR2 Points	Unadjusted CSR2 Points	CSR2	Acres	Description
413.93	413.93	55.79	7.42	100% Value
80.64	105.44	45.45	2.32	Non-Crop
494,57	519.37		9.74	Total

### Soil Summary

						<b>≡</b> Columns <b>→</b>
Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	1.52	141.36	141.36
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	1.05	93.45	93.45
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.92	53.36	53.36
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	3.93	125.76	125.76
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.06	5.58	2.83
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.10	8.90	4.61
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.84	48.72	31.94
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.32	42.24	41.26
Total				9.74	519.37	494.57



### **SOIL REPORT - 894624100009**

Parcel ID
Gross Acres
ROW Acres
Gross Taxable Acres
Exempt Acres
Net Taxable Acres
Average Unadjusted CSR2 894624100009 39.56 0.00 39.56

0.00 39.56 61.79

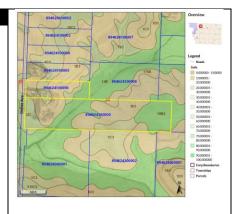
(Gross Taxable Acres - Exempt Land) (2444.39 CSR2 Points / 39.56 Gross Taxable Acres)

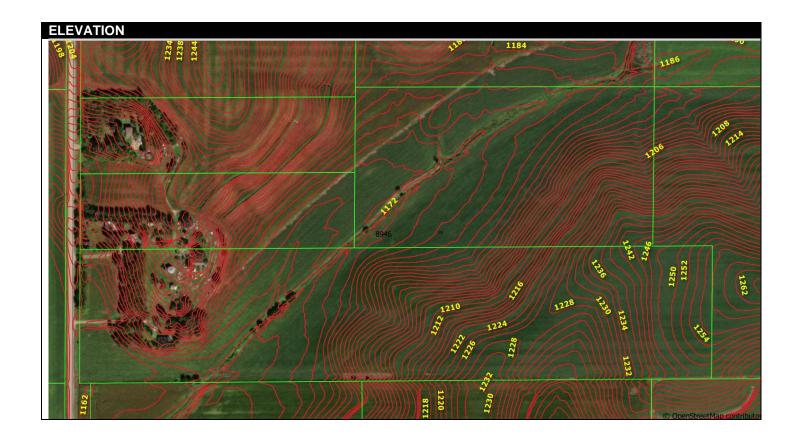
### **Sub Parcel Summary**

				i≣ Columns   ✓
Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	33.48	63.44	2,124.00	2,124.00
Non-Crop	6.08	52.70	320.39	222.77
Total	39.56		2.444.39	2.346,77

### Soil Summary

						i≣ Columns 🗸
Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	5.78	537.54	537.54
100% Value	10B2	MONONA SILT LOAM, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	91.00	7.73	703.43	703.43
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	2.60	231.40	231.40
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	3.04	176.32	176.32
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.67	38.19	38.19
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	13.66	437.12	437.12
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.94	87.42	44.29
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	1.01	89.89	46.54
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.42	24.36	15.97
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	3.71	118.72	115.97
Total				39.56	2,444.39	2,346.77







# **IOWA DEPARTMENT OF NATURAL RESOURCES**

GOVERNOR KIM REYNOLDS LT. GOVERNOR ADAM GREGG

**DIRECTOR KAYLA LYON** 

1/21/2022

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

Project Description: Base Flood Elevation for 3 Lots (Unnamed Tributary to Big Whiskey Creek)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.5120/-96.2321; Woodbury County

Iowa DNR Project ID Number: 2021-1864

Dear Craig Beedle:

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

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

Lot 1 1167.5 ft., NAVD88

Lot 2 1167.5 ft., NAVD88

Lot 3 1188.1 ft., NAVD88 (Assumes ingress/egress from 130<sup>th</sup> Street)

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

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

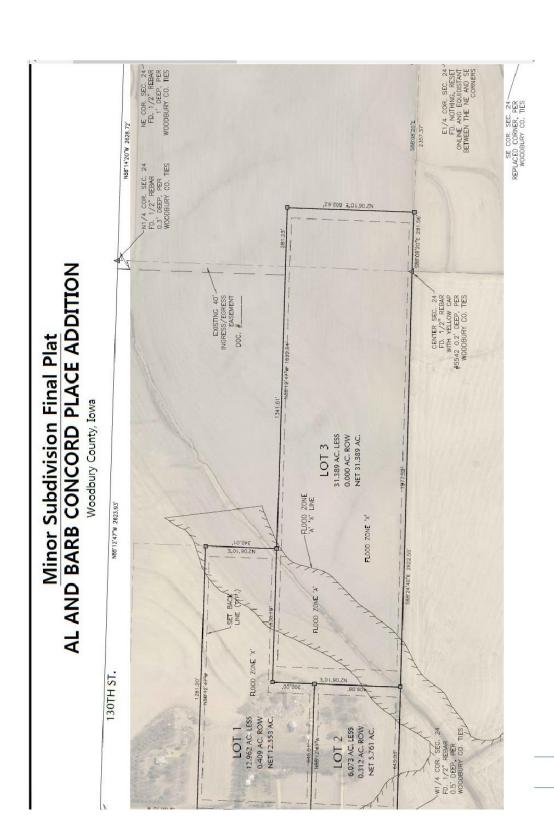
Sincerely,

Digitally signed by Karen Smith, P.E., CFM
DN. cn=Karen Smith, P.E., CFM, on-lowa
Department of Natural Resources
ou=Floodplain Management and Dam Safety
email=karen.smith@dn.riowa.gov., c=US
Date: 2022.01.21 05:12:54-06'00'

Karen Smith

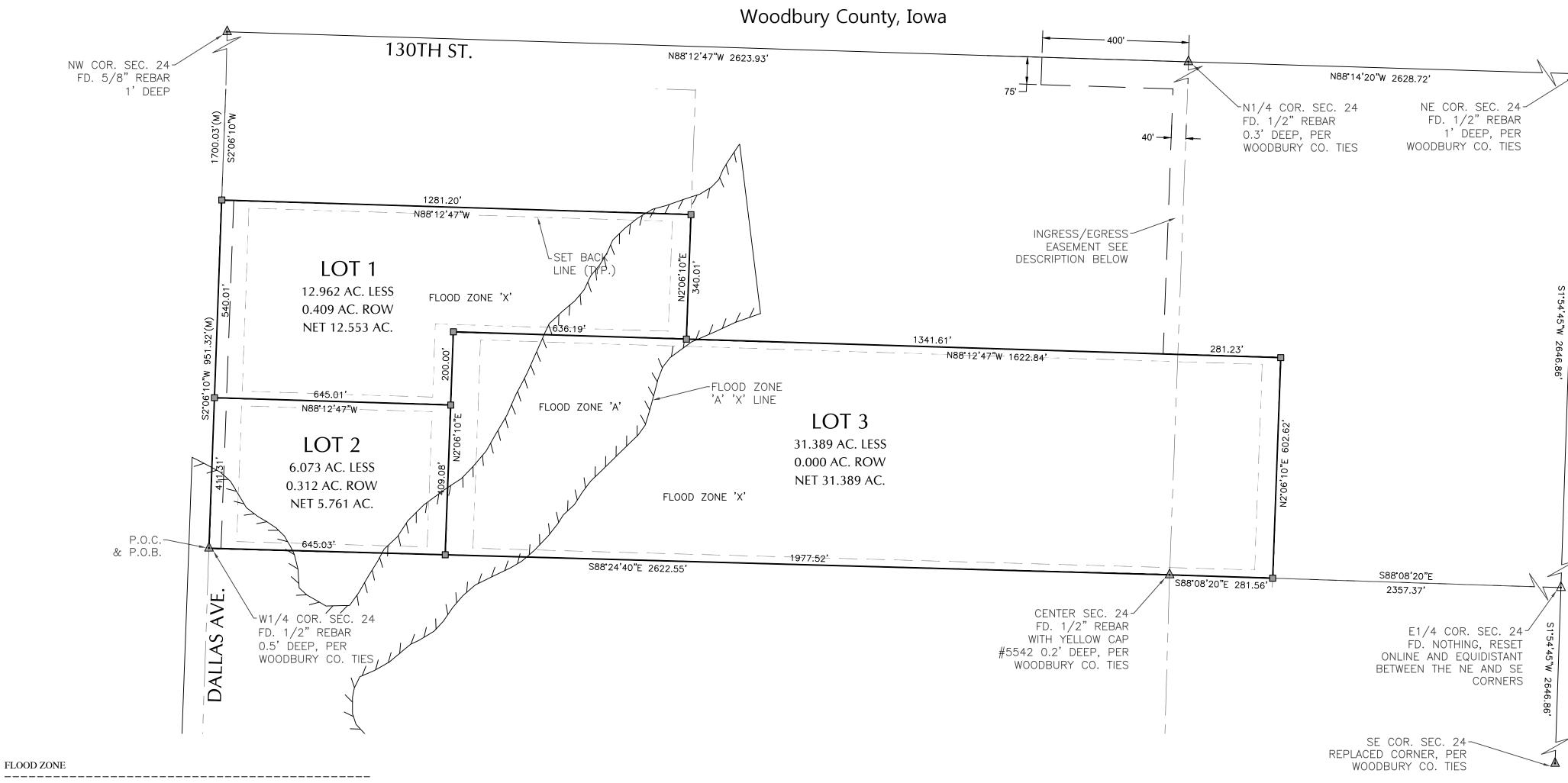
Flood Plain Management and Dam Safety Section

CC: James Zellmer; 1330 Dallas Avenue, Lawton, IA, 51030, jim@ka0vsl.com



Fax: 515-725-8202

# **Minor Subdivision Final Plat** AL AND BARB CONCORD PLACE ADDITION



FLOOD ZONE

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

ON JANUARY 21, 2022, THE BASE FLOOD ELEVATION FOR THE FOLLOWING LOTS WAS ESTIMATED TO BE

LOT 1: 1167.5 FT., NAVD88

LOT 2: 1167.5 FT., NAVD88 LOT 3: 1188.1 FT., NAVD88 (Assumes ingress/egress from 130<sup>th</sup> Street)

IOWA DNR, FLOODPLAIN MANAGEMENT AND DAM SAFETY SECTION WALLACE STATE OFFICE BUILDING

502 FAST 9<sup>TH</sup> STRFFT DES MOINES, IA 50319

CURRENT & PROPOSED ZONING \_\_\_\_\_

AE - AGRICULTURAL ESTATES 2 AC. EXCLUDING ROW = MINIMUM LOT AREA

200' = MINIMUM LOT WIDTH 45' = MAXIMUM BUILDING HEIGHT

75' = MINIMUM FRONT YARD

50' = MINIMUM REAR YARD PRIMARY STRUCTURE 10' = MINIMUM REAR YARD ACCESSORY STRUCTURE

50' = CORNER SIDE YARD 20' = MINIMUM SIDE YARD PRIMARY STRUCTURE

10' = MINIMUM SIDE YARD ACCESSORY STRUCTURE

OTHER REGULATIONS MAY APPLY SEE ZONING ORDINANCES FOR DETAILS.

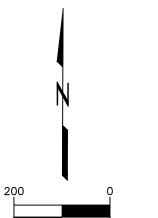
ADDITION CONTAINS A TOTAL OF 50.424 ACRES

LOTS TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

LOCATION: SECTION 24, TOWNSHIP 89, RANGE 46 ALIQUOT PART: N1/2 PROPRIETOR: JIM ZELLMER, TRUSTEE

REQUESTOR: JIM ZELLMER SURVEYOR: CRAIG BEEDLE VEENSTRA & KIMM, INC. COMPANY:

RETURN TO: CRAIG BEEDLE, 203 SGT. SQ. DR. STE. B SERGEANT BLUFF, IA 51054 (712) 943-5055









SECTION CORNER FOUND (AS NOTED) YELLOW CAP #17913)

SECTION CORNER SET (5/8" IRON PIN W/ • FOUND MONUMENT (5/8" REBAR OR AS ■ SET MONUMENT (5/8" IRON PIN W/ YELLOW

♦ SET MONUMENT (P.K. NAIL IN PCC OR ACC) (M) MEASURED (R) RECORDED P.O.C. POINT OF COMMENCEMENT SCALE: 1" = 200' P.O.B. POINT OF BEGINNING

KEITH AND PAMELA JIM ZELLMER AO AND BL TRUSTEE ZELLMER 1348 DALLAS AVE. 1336 DALLAS AVE. LAWTON, IA 51030 LAWTON, IA 51030 SURVEYOR

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

OWNER / SUBDIVIDER

I, CRAIG W. BEEDLE, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 17913, DO HEREBY CERTIFY THAT THIS PLAT KNOW AS AL AND BARB CONCORD PLACE ADDITION, TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE DESCRIBED PROPERTY. I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AS DESCRIBED IN THE SUBDIVISION PLATTED; THAT THE LOTS ARE OF THE DIMENSIONS, NUMBERS, NAMES, AND LOCATIONS AS SHOWN ON SAID PLAT, AND THAT IRON STAKES OR P.K. NAILS ARE SET AT EACH CORNER

CRAIG W. BEEDLE, L.S. #17913 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023

NO. OF PAGES COVERED BY THIS CERTIFICATION = \_\_\_\_\_



# INGRESS AND EGRESS EASEMENT DESCRIPTION:

Benefited property: Lot 3 of the Al and Barb Concord Place Addition to Woodbury

Burdened property: The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) AND except the South Six Hundred Feet (\$ 600'), the Southeast Quarter (\$E \frac{1}{4}\) of the Northwest Quarter (NW 1/4), all in Section Twenty-four (24), Township Eighty-nine (89) North, Range Forty-six (46) West of the 5th P.M., Concord Township, Woodbury County, Iowa.

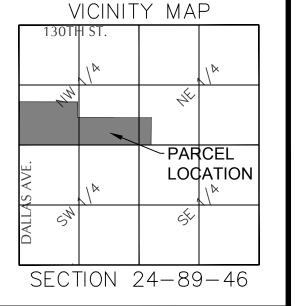
Easement: The right to ingress and egress over a parcel of land described as the North seventy-five feet of the East four hundred feet of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); AND the East forty feet of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼); AND except the South Six Hundred Feet (S 600'), the East forty feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW ¼), all in Section Twenty-four (24), Township Eighty-nine (89) North, Range Forty-six (46) West of the 5th P.M., Concord Township, Woodbury County, Iowa which is the burdened property above described.

# LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE N1/2 OF SECTION 24, T-89N, R-46W OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA. SAID PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AND BEGINNING AT THE W1/4 CORNER OF SAID SECTION 24 THENCE S88°24'40"E (AN ASSUMED BEARING) ALONG THE SOUTH LINE OF THE NW1/4 FOR 2622.55 FEET TO THE CENTER OF SECTION 24; THENCE S88°08'20"E ALONG THE SOUTH LINE OF THE NE1/4 FOR 281.56 FEET; THENCE N2°06'10"E FOR 602.62 FEET; THENCE N88°12'47"W FOR 1622.84 FEET; THENCE N2°06'10"E FOR 340.01 FEET; THENCE N88°12'47"W FOR 1281.20 FEET TO THE WEST LINE OF THE NW1/4; THENCE S2°16'10"W ALONG THE WEST LINE OF THE NW 1/4 FOR 951.32 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 50.424 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS OF RECORD.



DATE	REVISIONS	SCALE	1" = 200'	VERIFY SCALE
		DRAWN	сwв	BAR IS ONE INCH ON
		CHECKED	MAS	ORIGINAL DRAWING.
		APPROVED	сwв	0 IF NOT ONE INCH ON
		DATE	12 DEC 2021	THIS SHEET, ADJUST SCALES ACCORDINGL
		ISSUED FOR		

<b>VEENSTRA</b>
& KIMM INC.

AL ANI	D BARB CONCORD PLACE ADDITION
	WOODBURY, IOWA

203 Sergeant Squa	are l	Dr ●	Suite B	•	Serge	ant	Bluff, lowa 51054-0220
<i>712-943-5055</i>	•	<i>712</i> -:	943-508	88(F.	AX)	•	877-241-8009(WATS)

PROJECT 365613

DWG. NO.

# **Minor Subdivision Final Plat** AL AND BARB CONCORD PLACE ADDITION

Woodbury County, Iowa

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KNOW ALL MEN BY THESE PRESENTS:

THAT KEITH HANSEN ZELLMER, PAMELA JEAN ZELLMER, AND JAMES ZELLMER, a/k/a JAMES ALVIN ZELLMER, AS TRUSTEE OF THE JOINT REVOCABLE LIVING TRUST OF ALVIN O. ZELLMER AND BARBARA L. ZELLMER, THE OWNERS OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, HAS IN THE AND BARB CONCORD PLACE ADDITION TO WOODBURY COUNTY, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE AS OWNERS AND PROPRIETORS THEREOF.

:SS  COUNTY OF :  This document was acknowledged before me on, by Pamela Jean Zellmer.  NOTARY PUBLIC  STATE OF : :SS	xetti Harisett Zenner, Owive	R Pamela Jear	a Zellmer, OWNER	
This document was acknowledged before me on, by Keith Hansen Zellmer.  NOTARY PUBLIC  STATE OF : :SS  COUNTY OF : : :SS  This document was acknowledged before me on, by Pamela Jean Zellmer.  NOTARY PUBLIC  STATE OF : :SS	Revocable Living Trust of Alvi	n O. Zellmer		
This document was acknowledged before me on, by Keith Hansen Zellmer.  NOTARY PUBLIC  STATE OF : :SS  COUNTY OF : : :SS  This document was acknowledged before me on, by Pamela Jean Zellmer.  NOTARY PUBLIC  STATE OF : :SS	STATE OF	: .cc		
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Pamela Jean Zellmer.  NOTARY PUBLIC  STATE OF : :SS	COUNTY OF	:SS :		
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	STATE OF	<u> </u>		
	COUNTY OF			
This document was acknowledged before me on, by James Alvin Zellmer.		lged before me on	, by	
NOTARY PUBLIC		NOTARY PUBLIC		
ATTORNEY'S TITLE OPINION	ATTORNEY'S TIT	TLE OPINION		

SPECIFICALLY WA. THE CAPTION DESCRIPTION FULLY DESCRIBED AS SET FORTH IN THE SURVEYOR'S CERTIFICATE ATTACHED AND FILED HEREWITH. THE ABSTRACT OF TITLE PREPARED BY ENGLESON ABSTRACT COMPANY AND LAST CONTINUED THIS , 2022, AT A.M., WHICH ESTABLISHES TITLE IN KEITH HANSEN ZELLMER AND PAMELA JEAN ZELLMER, HUSBAND AND WIFE WITH FULL RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, AND JAMES ZELLMER, a/k/a JAMES ALVIN ZELLMER, AS TRUSTEE OF THE JOINT REVOCABLE LIVING TRUST OF ALVIN O. ZELLMER AND BARBARA L. ZELLMER, IN FEE SIMPLE FREE AND CLEAR OF ALL ENCUMBRANCES, LIENS, AND MORTGAGES.

> RYAN D. BEARDSHEAR, ATTORNEY METCALF & BEARDSHEAR MOVILLE, IOWA

CERTIFICATE OF	WOODBURY	COUNTY	ZONING
COMMISSION			

We do hereby certify that we are the Chair and the Administrator of the Zoning Commission, Woodbury County Iowa, and we do further certify that said Zoning Commission did take under advisement the attached Plat and that said Zoning Commission did on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 recommend to the Woodbury County Board of Supervisors the acceptance and approval of said Subdivision.

Chris Zellmer Zant, Chair Woodbury County Zoning Commission Daniel Priestley

Planning & Zoning Coordinator

# **BOARD OF SUPERVISORS' RESOLUTION** RESOLUTION NO.

RESOLUTION ACCEPTING AND APPROVING AL AND BAR CONCORD PLACE ADDITION, WOODBURY COUNTY IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE \_\_\_\_\_ DAY OF \_ 2022, FILE WITH THE WOODBURY COUNT ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS AL AND BARB CONCORD PLACE ADDITION, WOODBURY COUNTY, IOWA;

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

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

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

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

PASSED AND APPROVED THIS\_\_\_\_\_DAY OF\_\_

KEITH RADIG CHAIRMAN BOARD OF SUPERVISORS WOODBURY COUNTY, IOWA

> PATRICK F. GILL SECRETARY

# **CERTIFICATE OF COUNTY ASSESSOR**

I, Julie Conolly, hereby certify that on thefiled in the County Assessor's Office.	day of	, 20, a copy of this plat was
Dated:		
Julie Conolly, County Assessor Woodbury County, Iowa		

# AUDITOR'S APPROVAL OF SUBDIVISION NAME

as required by Code of Iowa Section 354.6(2).	es the Name or Title of said subdivision plat
Dated:	_
Patrick F. Gill, Woodbury County Auditor By: Diane Swoboda Peterson, Deputy	

# **AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING**

State of Iowa) )SS Woodbury County)
Docket No.:
Filed for record, this day of, 20, at o'clockM. recorded in Envelope, indexed and delivered to the County Auditor of Woodbury County, Iowa.
Dated:
Patrick F. Gill, Auditor and Recorder  By: Diane Swoboda Peterson, Deputy

# TREASURER'S CERTIFICATE OF TAXES AND SPECIAL **ASSESSMENTS**

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

Dated:	 _
Tina M. Bertrand Treasurer Woodbury County, Iowa	

Woodbury County, Iowa

# **COUNTY ENGINEER'S CERTIFICATE**

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

Mark Nahra, P.E.	Date
Woodbury County Engineer	

DATE	REVISIONS	SCALE	NTS	VERIFY SCALE
		DRAWN	сwв	BAR IS ONE INCH ON
		CHECKED	MAS	ORIGINAL DRAWING.
		APPROVED	сwв	0 III 1"
		DATE	12 DEC 2021	THIS SHEET, ADJUST
		ISSUED FOR		SCALES ACCORDINGLY.



AL AND BARB CONCORD PLACE ADDITION WOODBURY, IOWA

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

DWG. NO.

PROJECT

365613

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

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Motion to receive the final staff report and P&Z Commission's recommendation from their 4/25/22 meeting.

Motion to approve the Husen Addition final plat with the condition that the property owner sign a pavement

agreement with the county and authorize the Chairman to sign the resolution.

Approved by Board of Supervisors April 5, 2016.



# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET - SIOUX CITY, IA 51101

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

# **HUSEN ADDITION MINOR SUBDIVISION PROPOSAL** FINAL REPORT - 5/5/22

# **APPLICATION DETAILS**

Owner(s): Maxys Family Farm LLC / Brian and Bonnie Ivener Trust

Application Type: Minor Subdivision Subdivision Name: Husen Addition Application Date: April 1, 2022 Subdivision Area: 10.90 Acres (4 Lots) Legal Notice Date: April 13, 2022 Stakeholders (1000') Letter Date: April 7, 2022

**Zoning Commission Public Hearing Date:** 

April 25, 2022

Board of Supervisors Review Date: May 10, 2022

# PROPERTY DETAILS

Parcel(s): 874705200002 Township: T87N R47W (Liberty) Section: 5; Quarter: NE 1/4 NE 1/4

Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Floodplain)

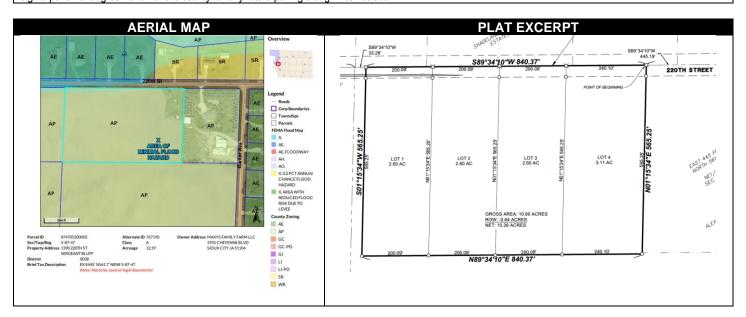
Address: 1390 220th St., Sergeant Bluff, IA 51054

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# **SUMMARY**

Dolf Ivener on behalf of the Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust has filed for a four-lot minor subdivision on the property as referenced above. The purpose is to establish four residential lots. This subdivision proposal is being presented concurrently with a Zoning Ordinance Map Amendment (Rezone) from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District. Both proposals have been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 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 lots have adequate access. Extraterritorial review, as required by Iowa Code 354.9, was waived by the City of Sergeant Bluff with the adoption of Resolution No. 21-33 on December 14, 2021. A small portion of the property that is not in any buildable area is located in the Special Flood Hazard Hara (Zone A – Floodplain). 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 with the condition that the property owner sign a pavement agreement for any future paving along 220th Street. The Woodbury County Zoning Commission voted 4-0 at their April 25, 2022 meeting to recommend approval of this minor subdivision request with the condition that the property owners sign a pavement agreement with the county for any future paving along 220th Street.



# **ZONING COMMISSION & STAFF RECOMMENDATION**

The Woodbury County Zoning Commission voted 4-0 at their April 25, 2022 meeting to recommend approval of this minor subdivision request with the condition that the property owners sign a pavement agreement with the county for any future paving along 220th Street.

Staff recommends approval of this minor subdivision proposal as it meets the requirements of the zoning and subdivision ordinance. Staff recommends a pavement agreement as a condition for approval.

# ZONING COMMISSION RESOLUTION

### RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWAL

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF HUSEN ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE 35th DAY OF 40th ..., 2022 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS

CHRISTINE ZELIMERYANT CHAIRMAN WOODBURY COUNTY ZONING COMMISSION OF

WOODBURY COUNTY, IOWA

# **ZONING COMMISSION DRAFT MINUTES - APRIL 25, 2022**

### Minutes - Woodbury County Zoning Commission Meeting - April 25, 2022

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

ZC Members Present: Chris Zellmer Zant, Tom Bride, Corey Meister, Jeff O'Tool

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Dolf Ivener, Troy Husen, Jim Zellmer (Phone)

### Call to Order

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

### Public Comment on Matters Not on the Agenda

### Approval of Minutes

The February 28, 2022 minutes were approved. Motion to approve: Meister, Second: O'Tool. Motion approved 4-0.

### Public Hearing: Husen Addition Minor Subdivision Proposal

Public Hearing: Husen Addition Minor Subdivision Proposal
Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of the Maxys Family Farm
LLC and the Brian and Bonnie Ivener Trust has filed an application for a four-lot minor subdivision on the property identified as
Parcel #874705200002. The purpose of this proposal is to establish four residential lots. This proposal has been properly noticed
in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via a April 2
2022 letter about the 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 lows Code closure requirements and found that the lots have adequate access. The County Engineer also stated compliance with lows Code closure requirements and found that the lots have adequate access. The County Engineer also stated that a paving agreement should be applied to this subdivision. Extraterritorial review was waived by the City of Sergeant Bluff with Resolution No. 21-33 on December 14, 2021. A portion of the property is in the Special Flood Hazard Area – Zone A – Floodplain but not in any buildable area. This proposal meets requirements of the Zoning and Subdivision Ordinances. Bride pointed out that the property has a significant Crop Suitability Rating (CSR – 75.51); this area is also located close to the Sergeant Bluff and residential development is already established. Dolf Ivener offered background on the purpose of the project. Troy Husen inquired about the effects of the pavement agreement including the costs. Priestley indicated that it is an 80/20 agreement where property owners would pay 40% along their frontage or lineal feet of each lot to the center of the road. If there is any proposal to pave the road in the future, there will likely be public hearings administered by county engineer's office. It is the recommendation of staff to approve this proposal with the condition that the property owner(s) sinn a pavement agreement for any recommendation of staff to approve this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220<sup>th</sup> Street. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend approval of the Husen Addition Minor Subdivision to the Board of Supervisors with the condition property owners sign a paving agreement: O'Tool. Second: Bride. Motion approved 4-0.

# Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal – Maxys Family Farm LLC/Brian and Bonnie Ivener Trust

Priestley read the preliminary report and staff recommendation into the record. Concurrently with the previous minor subdivision application, this proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.90-acres located in the NE ¼ of the NE ¼ of Section 5, T87N R47W (Liberty Township), Woodbury County, percel #874705200002, for the purpose of establishing four residential lots. The neighbors within 1000 FT have been duly notified via a April 7, 2022 letter about the Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. A portion of the property is in the Special Flood Hazard Area - Zone A - Floodplain but not in any buildable area. Based on the information received, staff recommends approval of this proposal with the condition that the property owner(s) sign a pavement agreement for any future paving along 220th Street. Motion to close public hearing: O'Tool. Second: Meisner. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates with the condition that the owner(s) sign a paving agreement. O'Tool. Second: Bride. Motion approved 4-0.

# Public Hearing: Al and Barb Concord Place Addition Minor Subdivision Proposal

Priestley read the preliminary report and staff recommendation into the record. The Joint Revocable Living Trust of Alvin O. Zellmer and Keith H. Zellmer and Pamela J. Zellmer have filed an application for a three-lot minor subdivision on Parcel #894624100006 and #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894824100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District. The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The Woodbury County Engineer found the proposal in compliance with lows Code closure requirements and found that the lots have adequate access. Priestley noted that the county engineer initially had concerns about a proposed easement and its access to

a suitable driveway. However, the issue was resolved with a revised easement. Extraterritorial review is not required as the property is located greater than 2 miles for an incorporated area. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. One of the property owners, Jim Zellmer, was present via the phone but had no comments about the proposal. It is the recommendation of staff to approve this proposal. Motion to close public hearing: Meister. Second: Bride. Motion approved 4-0. A motion was made to recommend approval to the Board of Supervisors for the Al and Barb Concord Place Addition Minor Subdivision: Bride. Second: O'Tool. Motion approved 4-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District Proposal - Joint Revocable Living Trust of Alvin O. Zellmer & Barbara Zellmer Priestly read the preliminary report and staff recommendation into the record. Along with previous minor subdivision application, this proposal is to rezone Parcel #894624100009 from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District with an application for a three-lot subdivision on Parcel #894624100009. The purpose of this application is so the existing house on the proposed Lot 2, which is completely located within the Trust Parcel (#894624100009) can be split from the farm ground and be incorporated with the proposed Lots 1 and 2 in the same AE Zoning District . The use of the land will remain unchanged for the foreseeable future, as the Trust and its immediate successors plan to continue using the Trust property for agricultural purposes, while the house can be sold for residential purposes. No residential development is planned. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 13, 2022. The neighbors within 1000 FT have been duly notified via an April 7, 2022 letter about the April 25, 2022 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were submitted. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Motion to close Public Hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the proposed Zoning Ordinance Map Amendment from AP to AE to the Board of Supervisors: O'Tool. Second: Bride. Motion approved 4-0.

### Discussion of Solar Ordinance Provisions

Priestley facilitated a discussion concerning residential solar systems and utility scale solar systems including some of their differences as it pertains to permitting. He indicated that area communities such as the City of Sioux City administratively issue building permits for residential solar systems as accessory structures/uses to the properties. The current language in the Woodbury County Zoning Ordinance requires a conditional use permit for all solar projects regardless of type. Priestley reminded the Commissioners that in recent years the county has received conditional use permit applications from both residential scale and utility scale projects. A revised ordinance may be required to address future needs depending on the intensity of the projects from residential to utility scale. Several considerations include road use agreements, decommissioning plans, setback requirements, etc. Priestley recommended that the Commission continue this discussion at future meetings and in the meantime, he will continue to research other jurisdictions and their respective policies as it comes to both residential and commercial solar operations.

# Public Comment on Matters Not on the Agenda

None.

### Commissioner Comment or Inquiry

Bride bought up State of Iowa legislation – Senate File 2285, pertaining to the incorporated areas' ability to require annexation agreements. Priestley will research.

### Staff Update

Priestley formally informed the Commission that Director David Gleiser has left the Woodbury County Community & Economic Department.

### Adjourn

The meeting adjourned at 7:20 PM.



# 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:	Applican	t Information:			
Owner Maxys Family Farm LLC	Applicant	Dolf Ivener			
Address 3701 Cheyenne Blvd	Address	3400 Talbot Rd			
Sioux City, IA 51104		Sioux City, IA 51103			
Phone 712-251-9967	Phone	712-251-9967			
Engineer/Surveyor	Phone	515-450-9199			
Property Information:					
Property Address 1390 220th st Sergeant Blu	ff, IA 510	54 proposed legal desc. attached			
Quarter/QuarterNE 1/4 NE 1/4 Sec5	Twnsh	o/Range			
Parcel ID #874705200002 or GIS #		Total Acres10.9			
Current Use _AGRICULTURE					
Current Zoning AP	Proposed Zor	ingAE			
Average Crop Suitability Rating (submit NRCS Statement)	Woodbury C nd information	ounty's zoning ordinances (see attached on).			
The filing of this application is required to be acco pursuant to section 2.02(4)(C)(2) through (C)(4) of pages of this application for a list of those items a A formal pre-application meeting is recommended	Woodbury C nd information	ounty's zoning ordinances (see attached on). mitting this application.			
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# WOODBURY COUNTY, IOWA MINOR SUBDIVISION APPLICATION

Mailing Address: 3400 Talbot Rd Sioux City, IA 51103  Street City or Town State and Zip + 4  Property Address: 1390 220th st Sergeant Bluff, IA 51054  Street City or Town State and Zip + 4  Ph/Cell #: 712-251-9967 E-mail Address: dolfivener@gmail.com  To subdivide land located in the NE Quarter of Section 5  Civil Township 87-47 GIS Parcel # 874705200002  Name of Subdivision: HUSEN ADDITION  Subdivision Area in Acres 10.9 Number of Lots 4  Attachments:  1. Ten (10) copies of grading plans; if required.  2. Ten (10) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).  3. An attorney's opinion of the abstract.  4. A Certified abstractor's certificate to include:  a. Legal description of proposed subdivision.  b. Plat showing clearly the boundaries of the subdivision.  c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.  Surveyor: Justin Jensen Ph/Cell: 515-450-9199  Attorney: Ryan Ross Ph/Cell: 712-259-3563  1 hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.		Applicant: Dolf Ivener		
Street City or Town State and Zip + 4  Property Address: 1390 220th st Sergeant Bluft, 1A 51054 Street City or Town State and Zip + 4  Ph/Cell #: 712-251-9967 E-mail Address: dolftvener@gmail.com  To subdivide land located in the NE Quarter of Section 5  Civil Township 87-47 GIS Parcel # 874705200002  Name of Subdivision: HUSEN ADDITION  Subdivision Area in Acres 10.9 Number of Lots 4  Attachments:  1. Ten (10) copies of grading plans; if required.  2. Ten (10) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance)  3. An attorney's opinion of the abstract.  4. A Certified abstractor's certificate to include:  a. Legal description of proposed subdivision.  b. Plat showing clearly the boundaries of the subdivision.  c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.  Surveyor: Justin Jensen Ph/Cell: 515-450-9199  Attorney: Ryan Ross Ph/Cell: 712-259-3563  1 hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.  Owner's Signature: Address: 4 Lots or less (\$200)  5 Lots or more (\$250 plus \$5 per lot)		Nam		
Street  City or Town  State and Zip + 4  Property Address: 1390 220th st Sergeant Bluft, 1A 51054  Street  City or Town  State and Zip + 4  Ph/Cell #: 712-251-9967  E-mail Address: dolftvener@gmail.com  To subdivide land located in the NE Quarter of Section 5  Civil Township 87-47  Name of Subdivision: HUSEN ADDITION  Subdivision Area in Acres 10.9  Number of Lots 4  Attachments:  1. Ten (10) copies of grading plans; if required.  2. Ten (10) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance)  3. An attorney's opinion of the abstract.  4. A Certified abstractor's certificate to include: a. Legal description of proposed subdivision. b. Plat showing clearly the boundaries of the subdivision. c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.  Surveyor: Justin Jensen  Ph/Cell: 515-450-9199  Attorney: Byan Ross  Ph/Cell: 712-259-3563  1 hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.  Owner's Signature: Grant of the Sunday August 1375  For Office Use Only: Zoning District  A Lots or less (\$200)  5 Lots or more (\$250 plus \$5 per lot)	Ţ	Mailing Address: 3400 Talbot Rd Sioux City, IA	51103	
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WOODBURY COUNTY	WOODBI	SURY COUNTY		
COMMUNITY & ECONOMIC DEVELOPMENT	COMMUNITY & ECO	GNOMIC DEVELOPMENT		

INDEX LEGEND	
CITY: SERGEANT BLUFF	_
COUNTY: WOODBURY	_
TRS: SECTION 5, T87N, R47W	_
ALIQUOT PART: NE1/4 NE1/4	_
PROPRIETOR: MAXY'S FAMILY FARM LLC	_
REQUESTED BY: DOLF IVENER	_
SURVEYOR: JUSTIN JENSEN	_
COMPANY: MCCLURE	_
RETURN TO: JUSTIN JENSEN	_
705 1ST AVENUE NORTH	
FORT DODGE, IOWA 50501 / 515-576-7155	

# **HUSEN ADDITION** WOODBURY COUNTY, IOWA **FINAL PLAT**

### BASIS OF BEARINGS

IOWA REGIONAL COORDINATE SYSTEM - ZONE 4

# M<sup>c</sup>CLURE

### making lives better.

DEDICATION.

MAY'S FARMLY, ARM, LLC, AN IOWA LIMITED LIABILITY COMPANY IS AN OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAY AND SAID CERTIFICATE OF JUSTINS IS SURVEY, BY, AL INCIDENT SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS HUSEN SUBDIVISION, AND THAT SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS HUSEN SUBDIVISION. AND THAT OF THE PLATE OF THE PL

THE SAME IS PREPARED V PROPRIETOR THEREOF.				
EXECUTED AT		, IOWA THE	DAY OF	, 2022.
BY:	BER			
STATE OF IOWA	SS.			
COUNTY OF WOODBURY	55.			
ON THIS DAY O SAID STATE, PERSONALLY (SWORN OR AFFIRMED) DI LIMITED LIABILITY COMPA LLC, AN IOWA LIMITED LIA MEMBER, ACKNOWLEGGE SAID MAXYS FAMILY FARM	APPEARED DO D SAY THAT TH NY, THAT SAID BILITY COMPAN D THE EXECUT	OLF A. IVENER, T HAT PERSON IS A INSTRUMENT W. IY, BY AUTHORIT ION OF SAID INS	O ME PERSON/ MEMBER OF S AS SIGNED ON TY OF ITS MEME TRUMENT TO B	AID MAXYS FAMILY FARM BEHALF OF THE SAID MAX IERS AND THE SAID DOLF E THE VOLUNTARY ACT A

NOTARY PUBLIC IN AND FOR SAID STATE

### DEDICATION

THE BRIAN AND BONNIE IVENER TRUST UTD JULY 6, 2006, IS AN OWNER OF THE REAL ESTATE DESCRIBED IN ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL

AND PROPRIETOR THE EXECUTED AT		IONE THE	DAVOE	2022
EXECUTED AT		_, IOWA THE	DAY OF	, 2022.
BY:				
BRIAN IVENER, T	RUSTEES			
BY:				
BONNIE IVENER,	TRUSTEES			
STATE OF	SS.			
COUNTY OF				
KNOWN, WHO BEING B IVENER TRUST UTD JU THAT TRUSTEES ACKN	Y ME DULY SWOR LY 6, 2006, THE TR IOWLEDGED EXEC	N DID SAY THAT RUSTEES EXECU CUTION OF THE I	THE PERSON IS ITING THE FOREG NSTRUMENT TO E	RSIGNED, A NOTARY PUBLIC IN AND FOR AND BONNIE IVENER, TO ME PERSONA THE TRUSTEES OF THE BRIAN AND BON OING INSTRUMENT, AS THAT THEY AS BE THE VOLUNTARY ACT AND DEED OF
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THE CITY COUNCIL OF SERGEATI BLUFF, IOWA, PURSUANT TO AUTHORITY GRANTED IN IOWA CODE SECTION 354.9, WAIVED THE CITY'S REVIEW AND APPROVAL OF THE FIRST, PLAT OF THE HUSEN ADDITION MINOR SUBDIVISION, AS WOULD OTHERWISE BE REQUIRED BY THE CITY'S CODE OF ORDINANCES, WITH THE ADDITION OF RESOLUTION NO. 2-33 ON THE STITE DAY OF DECEMBER 2021.

WE HAVE THIS DATE EXAMINED A COMPLETE ABSTRACT TO TITLE. PURSUANT TO IOWA CODE SECTION 354.11(1)(C) TO PROPERTY WHICH INCLUDES IN ITS ENTIRETY, PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THE PLAT OF HUSINS SUBDIVISION, WOODBURY COUNTY, DOWN LAST CERTIFICATE ON THE PLAT OF HUSINS SUBDIVISION, WOODBURY COUNTY, DOWN LAST CERTIFICATE ON THE PLAT OF HUSINS SUBDIVISION, WOOD AND MERCHANTAGE ITTLE TO SAND PREMISES VESTED IN MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY AND BRIAN AND BONNIE PROPERTY SUBJECT OF THE POLLOWING, LERK, LIMITATIONS AND EXCEPTIONS. ALL CERTIFIED REAL ESTATE TAXES AND SPECIAL ASSESSMENTS DUE AND PAYABLE HAVE BEEN PAID. REAL ESTATE TAXES AND SPECIAL ASSESSMENTS
NOT CERTIFIED ARE A LIEN IN AN UNDETERMINED AMOUNT. DATED: FLOOD PLAIN ON JANUARY 26TH, 2022, THE 100-YEAR FLOOD ELEVATION OF 1085.10' ALONG THE NORTHWEST SIDE OF THE PROPERTY WAS DETERMINED BY: KAREN SMITH
IOWA DNR, FLOOD PLAIN MANAGEMENT AND DAM SAFETY SECTION
WALLACE STATE OFFICE BUILDING
SOZ EAST 6TH STREET
DES MOINES, 14 50319 SURVEYOR'S CERTIFICATE

1, JUSTIN S. JENSEN, A DUX 'LICENSEL

1, JUSTIN S. JENSEN, A DUX 'LICENSEL'

1, JUSTIN S. JENSEN, A DUX 'LICENSEL'

1, JUSTIN S. JENSEN, A DUX 'LICENSEL'

1, JUSTIN S. JUSTIN TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS I, TINA BERTRAND, TREASURER OF WOODBURY COUNTY, IOWA, DO HERBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS. DATED \_\_\_\_\_\_, 2022. TINA BERTRAND, TREASURER WOODBURY COUNTY, IOWA AUDITOR'S APPROVAL OF SUBDIVISION NAME THE COUNTY AUDITOR HERBY ACCEPTS AND APPROVES THE NAME OR TITLE OF THE ATTACHED SUBDIVISION PLAT AS REQUIRED BY IOWA CODE SECTION 354.6(2). PATRICK F. GILL, AUDITOR AND RECORDER, WOODBURY COUNTY, IOWA BY: DIANE SWOBODA PETERSON. DEPLITY COUNTY ENGINEER'S CERTIFICATE I, MARK J. NAHRA, P.E., COUNTY ENGNEER FOR WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE BOUNDARY LINES OF THE PLAT AND LOTS THEREIN WERE MATHEMATICALLY CHECKED AND CONFIDENCE WHITH THE REQUIREMENTS AS PROVIDED FOR IN THE SUBBOYISON ORDINANCE AND THAT ALL DIMENSIONS BOTH LINEAR AND ANGULAR NECESSAND FOR THE TOLETON OF LOTS, TRACETS, STREETS, AND EXSEMBLYS, AND ESSENCE. DATED AT DATED \_\_\_\_\_\_, 2022. JUSTIN S. JENSEN IOWA NO. 22874 MARK NAHRA P.E. COUNTY ENGINEER FOR WOODBURY COUNTY JOWA LICENSE RENEWAL DATE: DECEMBER RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA: 

DATED THIS	DAY OF	, 2022.
CHRISTINE ZELLMER CHAIRMAN WOODBURY COUNT WOODBURY COUNT	Y ZONING COMMISSION OF	

# BOARD OF SUPERVISORS RESOLUTION

WHEREAS, THE OWNER AND PROPRIETORS DID ON THE \_\_\_\_DAY OF \_\_\_\_\_2022 FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS HUSEN ADDITION, WOODBURY COUNTY, IOWA, AND

THEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE FLIXO OF SAME, WHICH ARE THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE

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

Y THERFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY SOARD OF SUPERVISIONS, WOODBURY COUNTY, STATE OF IOWA, THAT THE PLAT OF HUSEN ADDITION, WOODBURY ANT, IOWAS AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHARMAN AND SECRETARY OF THE WOODBURY COUNTY SOARD OF SUPERVISIONS, WOODBURY COUNTY, STATE OF A REHIERBY DIFFECTED TO FURNISH OF MOMERS AND PROPERTIONS ACREMENTED COPY OF THE SERVICION AS RECURRED BY LAW.

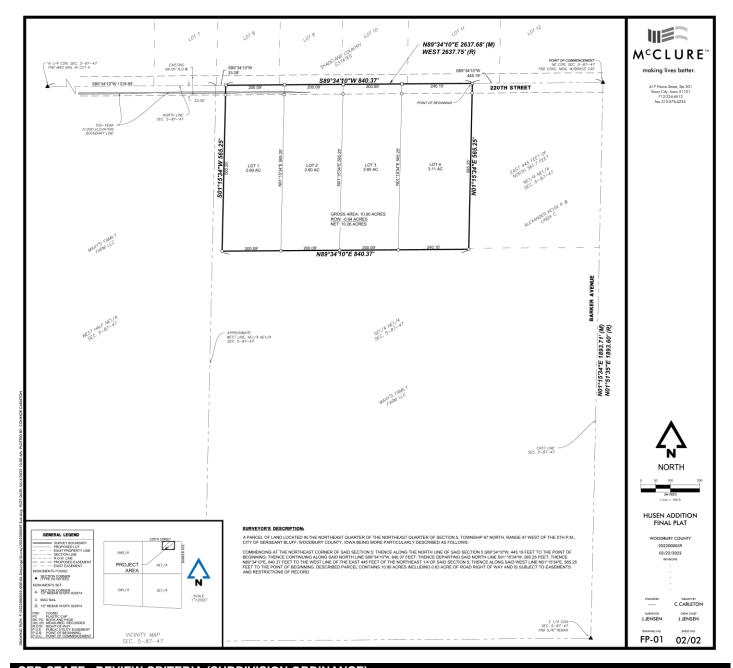
KEITHIRAL	
CHAIRMAN	
BOARD OF	SUPERVISORS
WOODBUR	RY COUNTY, IOWA
ATTEST:	
ATTEST.	
PATRICK F	- CILI

# HUSEN ADDITION

02/22/2022

C CARLETON

FP-01 01/02



# **CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)** The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff: shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per lowa Code. Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law. shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required. shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and

survey data.

shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and

Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.

shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.

Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends approval of the final plat based on the following:

Staff recommends that a pavement agreement (see enclosed) be recorded as a condition for the approval of the final plat.

# **ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)**

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

shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and

Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.

shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and

Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.

may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and

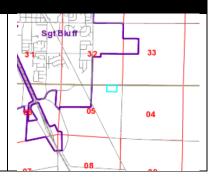
Staff recommends that a pavement agreement (see enclosed) be recorded as a condition for the approval of the final plat.

shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.

During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

# **EXTRATERRITORIAL REVIEW**

This property is within two (2) miles of the Sergeant Bluff corporate boundary and requires extraterritorial review under lowa Code, Section 354.9. On December 14, 2021, 2022, the City of Sergeant Bluff City Council adopted and approved Resolution No. 21-33 waiving their right to review the Husen Addition.



# RESOLUTION NO. 21-33

A RESOLUTION WAIVING THE SERGEANT BLUFF CITY COUNCIL'S RIGHT TO REVIEW AND APPROVE A MINOR SUBDIVISION TO BE KNOWN AS HUSEN ADDITION LOCATED OUTSIDE CITY LIMITS IN WOODBURY COUNTY, IOWA

WHEREAS, the owner of property legally described as the NE ¼ of the NE ¼ except the East 445 feet of the North 561.7. feet, all in section 5, township 87 North, Range 47, West of the 5th P.M. in the County of Woodbury and the State of Iowa has advised the City of Sergeant Bluff of plans for a Minor Subdivision of the property to be named HUSEN ADDITION; and

WHEREAS, the property is located in Liberty Township, Woodbury County, Iowa within the two mile radius of the City of Sergeant Bluff, Iowa's incorporated limits; and

WHEREAS, Sergeant Bluff has established by ordinance pursuant to Iowa Code section 354.9 jurisdiction to govern the division of land within a two mile radius of the City's corporate limits; and

WHEREAS, the property owner will be completing a subdivision review including submitting the Final Plat of HUSEN ADDITION to the Woodbury County Planning and Zoning Commission for compliance with Woodbury County, Iowa's subdivision ordinance for rural subdivisions; and

WHEREAS, the City Council of the City of Sergeant Bluff, Iowa acknowledges that the storm sewer, water, and sanitary sewer utilities requirements for the subdivision are not connected to services of the City nor are required for the development of the subdivision; and

WHEREAS, the City Council further acknowledges the proposed subdivision's close proximity to existing Woodbury County residential development and is satisfied that the proposed subdivision is compatible with the similar division and use of property within the adjacent residential lots along 220th Street; and

WHEREAS, Iowa Code section 354.9 authorizes the City to waive by resolution its right to review and approve a subdivision within a two mile radius of the City's boundaries if the property is in unincorporated area of Woodbury County which has adopted an ordinance governing the division of land; and

WHEREAS, the City Council of the City of Sergeant Bluff, Iowa has considered the proposed minor subdivision for the legally described area above and is satisfied that a minor subdivision review and approval by the City of Sergeant Bluff is not needed for the proposed development.

NOW, THEREFORE, BE IT RESOLVED that:

- The City Council of the City of Sergeant Bluff, Iowa, pursuant to authority granted in Iowa Code section 354.9, hereby waives the City's review and approval the Final Plat of the HUSEN ADDITION Minor Subdivision as would otherwise be required by the City's Code of Ordinances.
- The Mayor is authorized to sign a Certified Resolution on behalf of the City of Sergeant Bluff, Iowa in connection with the HUSEN ADDITION Minor Subdivision for recording with the Woodbury County Recorder.

Council Member Jim Linafelter introduced the resolution and moved that said resolution be adopted; seconded by Council Member Bill Gaukel and after due consideration thereof by the Council, the Mayor put the question on the motion and, the roll being called, the following named Council Members voted:

	Aye	Nay	Absent	Abstain
Hanson	Y			
Gaukel	Y			
Johnson	Y			
Clark	Y			
Linafelter	Y			

PASSED AND APPROVED this 14th day of December 2021.

Mayor

Attest:

City Clerk

I, Danny Christoffers, City Clerk, do hereby certify that the foregoing Resolution 21-33 was duly and properly adopted by the City Council of the City of Sergeant Bluff, Iowa at its regular meeting the 14th day of December 2021.

# **LEGAL NOTIFICATION**

Published in the Sioux City Journal's Legals Section on April 13, 2022.

PROMOTE SERVING STATES AND STATES

# PROPERTY OWNER(S) NOTIFICATION - 1000'



TAKEHOLDED COMMENTS

The <u>twenty-five (25)</u> property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a <u>April 7, 2022</u> letter of the public hearing before the Woodbury County Zoning Commission on <u>April 25, 2022</u>.

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

- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

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

Property Owner(s)	Mailing Addre	ess			Comments
Maxys Family Farm & Brian & Bonnie Ivener Trust	3701 Cheyenne Blvd.	Sioux City	IA	51104	No comments.
Kevin Alexander and Linda C. Alexander	1396 220th St.	Sgt. Bluff	IA	51054	No comments.
Randall H. Kramer and Pamela A. Kramer	1420 220th St.	Sgt. Bluff	IA	51054	No comments.
Star L. King and Corey L. King	2210 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Joseph R. Hazel and Jennifer L. Hazel	2220 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Mitchell Mohr and Jenna Mohr	2230 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Galen L. Nelson and Linda D. Nelson	2248 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
John Schumacher and Kristi Schumacher	2250 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Paul J. Snyder and Peggy L. Snyder	2254 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Pamela A. Smith and Randy S. Smith	2260 Barker Ave.	Sgt. Bluff	IA	51054	No comments.
Robert F. Schultz and Debra L. Schultz	7380 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Trent J. Stulich and Julie T. Stuclich	7384 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Joseph J. Hardy	7390 Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.
Raymond A. Jackson and Jennifer A. Jackson	1359 220th St.	Sgt. Bluff	IA	51054	No comments.
Michael Kilburn and Stacy Kilburn	1361 220th St.	Sgt. Bluff	IA	51054	No comments.
Jacob A. Goodin and Sheli H. Goodin	1369 220th St.	Sgt. Bluff	IA	51054	No comments.
Josey L. Bales	1371 220th St.	Sgt. Bluff	IA	51054	No comments.
Scott A. Barto and Rachelle D. Barto	1379 220th St.	Sgt. Bluff	IA	51054	No comments.
Levi D. Montagne and Kelsey J. Montange	1383 220th St.	Sgt. Bluff	IA	51054	No comments.
Patrick Demara and Shelly Demara	1389 220t St.	Sgt. Bluff	IA	51054	No comments.
Troy M. Bowman and Danya R. Bowman	1391 220th St.	Sgt. Bluff	IA	51054	No comments.
Gary Kaiser and Stacy Kaiser	1395 220th St.	Sgt. Bluff	IA	51054	No comments.
Gary Lundeen	1401 220th St.	Sgt. Bluff	IA	51054	No comments.
Paul A. Jensen and Stacy L. Jensen	1409 220th St.	Sgt. Bluff	IA	51054	No comments.
Jack Cook Farms, Inc.	7374 Old Lakeport Rd.	Sgt. Bluff	IA	51054	No comments.

911 COMMUNICATIONS CENTER:  FIBERCOMM:  No comments.	STAKEHOLDER COMMENTS				
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):     No comments.       LONGLINES:     No comments.	911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 4/4/22.			
LONGLINES: No comments.	FIBERCOMM:	No comments.			
	IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.			
Delevis a second of all the second of the se	LONGLINES:	No comments.			
Lumen doesn't have facilities adjacent to or within the subject property. Please let me know if you have any questions. – Paul Kingrey, 4/8/22.	LUMEN:	Lumen doesn't have facilities adjacent to or within the subject property. Please let me know if you have any			
MAGELLAN PIPELINE: This project should not impact Magellan. – Bryan Ferguson, 4/4/22.	MAGELLAN PIPELINE:	This project should not impact Magellan. – Bryan Ferguson, 4/4/22.			
MIDAMERICAN ENERGY COMPANY (Electrical Division):  I have reviewed the attached proposed minor subdivision for MEC electric: No conflicts – The developer should be aware that any requested extension of electric facilities will be subject to a customer contribution. Let me know if you have any questions or concerns. – Casey Meinen, 4/4/2/2.	MIDAMERICAN ENERGY COMPANY (Electrical Division):				
MIDAMERICAN ENERGY COMPANY (Gas Division): No comments.	MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.			

NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has
	no issues with this request. – Jeff Zettel, 4/7/22.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no concerns or comments. – Rebecca Socknat, 4/4/22.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	No issues. – Diane Swoboda Peterson, 4/4/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No concerns or comments. – Kent Amundson, 4/4/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this subdivision proposal. – Neil Stockfleth, 4/4/22.
WOODBURY COUNTY TREASURER:	The taxes for this parcel are current. – Kimberlee Koepke, 4/1/22.



# Woodbury County Secondary Roads Department

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

COUNTY ENGINEER Mark J. Nahra, P.E. mnahra@sioux-city.org ASSISTANT TO THE COUNTY ENGINEER Benjamin T. Kusler, E.I.T. bkusler@sioux-city.org

SECRETARY Tish Brice tbrice@sioux-city.org

To:

Dan Priestley, Woodbury County Zoning Coordinator

From:

Mark J. Nahra, County Engineer

Date:

March 28, 2022

Subject: Husen Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated March 16, 2022.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. Driveways will be able to be located along all four lot frontages. The road has very good sight distance in each direction in front of the subdivision.
- A paving agreement should be applied to this subdivision. Other subdivisions bordering 220th Street have implemented paving agreements at the time they were established. Now that the subdivisions north and east of the Husen Subdivision have been filled, the county is planning to place a permanent paved surface on the road in FY 2024, the cost of which will be shared by current lot owners on the road. Owners of the lots in this new subdivision should pay their proportionate share of the project cost as well.
- I have no other concerns or issues with this minor subdivision application.

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

Cc:

File

# PARCEL REPORT

### Summary

Parcel ID Alternate ID Property Address

874705200002 767190 1390 220TH ST SERGEANT BLUFF IA 51054 5-87-47 EX E445' N561.7' NENE 5-87-47 Sec/Twp/Rng Brief Tax Description

(Note: Not to be used on legal documents) 2021-06042 (5/6/2021) 12.19

Deed Book/Page Gross Acres Net Acres Adjusted CSR Pts Zoning District School District Neighborhood

12.19 893.79 AP - AGRICULTURAL PRESERVATION 0038 LIBERTY/SB/L SGT BLUFF LUTON N/A

# Owner

Deed Holder Maxys Family Farm LLC

Contract Holder Mailing Address Michael Or Gina Bernstein 8 Crestwood Dr Saint Louis MO 63105

3701 Chevenne Blvd Sioux City IA 51104 Ivener Brian & Bonnie Trust 3701 Cheyenne Blvd Sioux City IA 51104

### Land

Lot Area 12.19 Acres: 530.996 SF

### Agricultural Buildings

Plot#	Type	Description	Width	Length	Year Built	<b>Building Count</b>
0	Bin - Wire Grain Storage		12	14	1967	1
0	Bin - Grain Storage (Bushel)		0	0	1977	1

### Sales

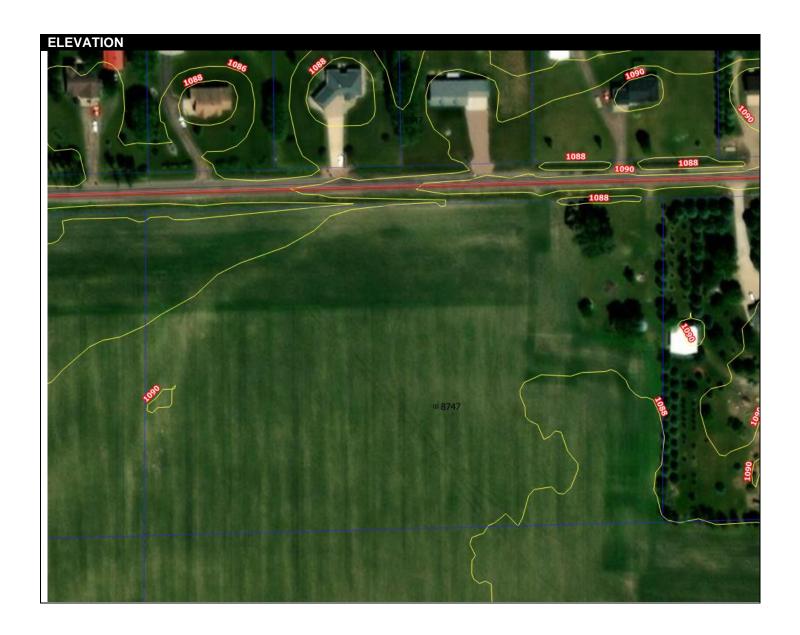
Date 2/5/2021	Seller IVENER MAX & FRANCYS	Buyer MAXYS FAMILY	Recording 2021-	Sale Condition - NUTC No consideration	Type Deed	Parcel	Amount \$0.00	
	FAMILY TRUST	FARM LLC	06042					
2/5/2021	IVENER MAX & FRANCYS FAMILLY TRUST	MAXY FAMILY FARM LLC	2021- 03169	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Υ	\$0.00	

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

### Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$22,880	\$22,880	\$21,630	\$21,630	\$31,130
+ Assessed Building Value	\$920	\$920	\$840	\$840	\$1,160
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
<ul> <li>Gross Assessed Value</li> </ul>	\$23,800	\$23,800	\$22,470	\$22,470	\$32,290
- Exempt Value	\$0	\$0	\$0	\$0	\$0
<ul> <li>Net Assessed Value</li> </ul>	\$23,800	\$23,800	\$22,470	\$22,470	\$32,290

### SOIL REPORT Summary Parcel ID Gross Acres ROW Acres Gross Taxable Acres Exempt Acres Net Taxable Acres Average Unadjusted CSR2 874705200002 12.19 0.00 12.19 0.00 12.19 75.51 (Gross Taxable Acres - Exempt Land) (920.44 CSR2 Points / 12.19 Gross Taxable Acres) Sub Parcel Summary **■**Columns ∨ Adjusted CSR2 Points Description 100% Value 11.38 75.51 859.32 859.32 0.81 Total 12.19 920.44 893.79 Soil Summary **■**Columns **→** Adjusted Acres 100% Value 3549 MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED 76.00 9.99 759.24 759.24 100% Value 137 HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED 72.00 1.39 100.08 Alternate ID 767190 Class A Acreage 12.19 Owner Address MAXYS FAMILY FARM LLC 3701 CHEYENNE BLVD SIOUX CITY, IA 51104 3549 MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED Non-Crop 76.00 0.70 53.20 Non-Crop 137 HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED 7.92 72.00 0.11 Total 12.19 920.44



# **BASE FLOOD ELEVATION (BFE) REQUEST**



# **IOWA DEPARTMENT OF NATURAL RESOURCES**

GOVERNOR KIM REYNOLDS LT. GOVERNOR ADAM GREGG

**DIRECTOR KAYLA LYON** 

1/26/2022

DOLF IVENER C/O JUSTIN JENSEN MCCLURE ENGINEERING CO 705 1ST AVE N FORT DODGE, IA 50501

<u>Project Description: Base Flood Elevation Request for Future Development of Parcel 87470500002 (Farmer's Ditch )</u>

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.3854/-96.3366; Woodbury County

Iowa DNR Project ID Number: 2021-2356

Dear Justin Jensen:

This letter is in response to your request for a base flood elevation for the above referenced location.

Based on the information available, we estimate the current existing condition 100-year flood elevation to be 1085.1 ft., NAVD88 at the location referenced above and as shown on the back of this letter.

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

Please note if the natural ground is at or below the elevation of 1085.1 ft., NAVD88 an Iowa DNR floodplain permit will be required. You can apply for the floodplain permit at the PERMT website as referenced above.

The applicant is responsible for complying with all other local, state, and federal statutes, ordinances, rules, and permit requirements applicable to the construction, operation, and maintenance of the approved works. Approval through the Corps of Engineers Section 404 Permit Program may be required for this project.

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

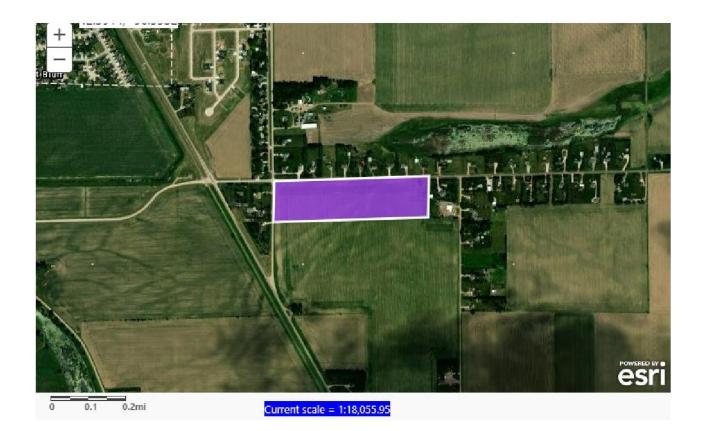
Sincerely,

Digitally signed by Karen Smith, P.E., CFM DN: cn=Karen Smith, P.E., CFM, c=lowa Department of Natural Resources, cu=Floodplain Management and Dam Safet email=karen.smith@dnri.com.agov, c=US Date: 2022 0.26 (2):24652-0.0000

Karen Smith

Iowa DNR, Flood Plain Management and Dam Safety Section

CC: Dolf Ivener; 3701 Cheyenne Blvd, sergeant Bluff, IA, 51104, dolfivener@gmail.com Woodbury County: David Gleiser, 620 Douglas St Fl 6, Sioux City, IA, 51101-1247, dgleiser@woodburycountyiowa.gov, 712-279-6609



Fax: 515-725-8202

Phone: 515-725-8200

# AGREEMENT TO IMPOSE COVENANT BASED UPON LINEAL LOT FRONTAGE

The undersigned, *Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006 and the Maxys Family Farm LLC,* the owner(s) of the real estate known as Husen Addition Subdivision, an Addition to Woodbury County, Iowa, and legally described as follows:

Lots One (1), Two (2), Three (3), and Four (4) of Husen Addition Subdivision of Part of Section Five (5), Township Eight-Eight (87) North, Range Forty-Seven (47), West of the Fifth Principal Meridian, in the County of Woodbury and the State of Iowa, a/k/a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Plat of Husen Addition Subdivision we agree as follows:

- 1. To impose a recorded covenant on  $220^{th}$  Street agreeing to an assessment on said Lots in event  $220^{th}$  Street is hard surfaced and graded for that purpose (the Improvement).
- 2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of 220<sup>th</sup> Street. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Lots in *Husen Addition* Subdivision will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said lots.
- 3. The collective assessment shall be individually prorated to each of the Lots on the basis of the number of lineal feet on which each Lot abuts said roadway(s) and the respective Lot owners shall have the responsibility for the assessment only on the lot(s) within the Subdivision he/she or it may own.
- 4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Lots in *Husen Addition* Subdivision, then the lower amount shall be assessed against said lots.
- 5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated t	his	day of	, 2022.
	Maxys Fam	ily Farm, LLC,	
	Dolf Ivener,	Member	
Dated t	his	day of	, 2022.
	Brian and B	onnie Ivener Trust UTD	July 6, 2006
	Brian Ivene	r, Trustee	
and who execut	known <b>Dolf</b> ed the foreg	Ivener, Member Maxys	before me, the undersigned Notary Public, personally s Family Farm LLC to be the person(s) named herein knowledge that <b>Dolf Ivener as Member of Maxys</b> act and deed.
Public in and for said Co	ounty		Notary
			Seal or stamp above
be the person(s)	named her	ein and who executed th	before me, the undersigned Notary Public, personally a Brian & Bonnie Ivener Trust UTD July 6, 2006 to be foregoing instrument, and acknowledge that Brian at UTD July 6, 2006 executed the same as a voluntary
Public in and for said Co	ounty		Notary

Seal or stamp above

# EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5,TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE ALONG THE NORTH LINE OF SAID SECTION 5 S89°34'10"W, 445.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°34'10"W, 840.37 FEET; THENCE DEPARTING SAID NORTH LINE S01°15'34"W, 565.25 FEET; THENCE N89°34'10"E, 840.37 FEET TO THE WEST LINE OF THE EAST 445 FEET OF THE NE ¼ OF SAID SECTION 5; THENCE ALONG SAID WEST LINE N01°15'34"E, 565.25 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 10.90 ACRES INCLUDING 0.63 ACRE OF ROAD RIGHT OF WAY AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

# **INDEX LEGEND** CITY: SERGEANT BLUFF COUNTY: WOODBURY TRS: SECTION 5, T87N, R47W ALIQUOT PART: NE1/4 NE1/4 PROPRIETOR: MAXY'S FAMILY FARM LLC REQUESTED BY: DOLF IVENER SURVEYOR: JUSTIN JENSEN COMPANY: MCCLURE RETURN TO: JUSTIN JENSEN 705 1ST AVENUE NORTH FORT DODGE, IOWA 50501 / 515-576-7155

**DEDICATION:** 

COUNTY ASSESSOR'S OFFICE.

WOODBURY COUNTY ASSESSOR

DATED

JULIE CONOLLY

# **HUSEN ADDITION** WOODBURY COUNTY, IOWA FINAL PLAT

# **BASIS OF BEARINGS**

THE CITY COUNCIL OF SERGEANT BLUFF, IOWA, PURSUANT TO AUTHORITY GRANTED IN IOWA CODE SECTION 354.9. WAIVED THE CITY'S REVIEW AND APPROVAL OF

IOWA REGIONAL COORDINATE SYSTEM - ZONE 4

# **M**<sup>c</sup>**C**LURE<sup>™</sup>

making lives better.

617 Pierce Street, Ste 201 Sioux City, Iowa 51101 712-224-4613 fax 515-576-4235

SURVEYOR'S CERTIFICATE

LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE

STATE OF IOWA, HOLDING

COUNTY, IOWA, IS A TRUE

MADE BY ME OR UNDER MY

SAME ARE THE DIMENSIONS,

NOTED ON SAID PLAT.

JUSTIN S. JENSEN IOWA NO. 22874

DATED AT

31, 2022.

REPRESENTATION OF A SURVEY

DIRECTION SUPERVISION, AND THAT

THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESRIBED IN THE ADDITION PLATTED; THAT THE

NUMBERS, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT WERE DRIVE AT EACH CORNER OF

**EVERY LOT AND TRACT EXCEPT AS** 

I, JUSTIN S. JENSEN, A DULY LICENSED

CERTIFICATE NO. 22874, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF HUSEN ADDITION, WOODBURY

# NOTICE:

MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY IS AN OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF JUSTIN S. JENSEN. PLS. A LICENSED

PROPRIETOR THEREOF.  EXECUTED AT	, IOWA THE	DAY OF	, 2022.
BY:			
STATE OF IOWA			
SS. COUNTY OF WOODBURY			
SAID STATE, PERSONALLY APPEAI (SWORN OR AFFIRMED) DID SAY T LIMITED LIABILITY COMPANY, THAT LLC, AN IOWA LIMITED LIABILITY CO	RED DOLF A. IVENER, <sup>T</sup> HAT THAT PERSON IS I SAID INSTRUMENT W OMPANY, BY AUTHORI XECUTION OF SAID INS	TO ME PERSONA A MEMBER OF S, /AS SIGNED ON E TY OF ITS MEMB STRUMENT TO BI	ERSIGNED, A NOTARY PUBLIC IN AND FOR LLY KNOWN, WHO BEING BY ME DULY AID MAXYS FAMILY FARM, LLC, AN IOWA BEHALF OF THE SAID MAXYS FAMILY FARM, ERS AND THE SAID DOLF A. IVENER, E THE VOLUNTARY ACT AND DEED OF Y IT VOLUNTARILY EXECUTED.
NOTARY PUBLIC IN AND FOR SAID	- STATE		
DEDICATION:			
ATTACHED SURVEYOR'S CERTIFIC ESTATE DESCRIBED IN THE ATTAC SAID DESCRIBED REAL ESTATE TO PARTICULARLY SHOWN AS SET FOLICENSED SURVEYOR WHO SURVEYOR	CATE AND HAS IN THE INCHED SURVEYOR'S CEIND BE SURVEYED, STAKE ORTH IN THE ATTACHE	PURSUANCE OF RTIFICATE, AND ED AND PLATTEI D PLAT AND SAID HE REAL ESTATE	OF THE REAL ESTATE DESCRIBED IN THE LAW, CAUSED SAID DESCRIBED REAL HAS IN THE PURSUANCE OF LAW, CAUSED DINTO LOTS AND STREETS, AS IS DICERTIFICATE OF JUSTIN S. JENSEN, PLS, A TO BE KNOWN AS HUSEN SUBDIVISION, ECORDANCE WITH THE DESIRES AS OWNER
EXECUTED AT	, IOWA THE	DAY OF	, 2022.
BY: BRIAN IVENER, TRUSTEES  BY: BONNIE IVENER, TRUSTEES			
STATE OFSS.			
KNOWN, WHO BEING BY ME DULY IVENER TRUST UTD JULY 6, 2006, 1	SWORN DID SAY THAT THE TRUSTEES EXECU EXECUTION OF THE I	THE PERSON IS TING THE FORE NSTRUMENT TO	RSIGNED, A NOTARY PUBLIC IN AND FOR R AND BONNIE IVENER, TO ME PERSONALLY THE TRUSTEES OF THE BRIAN AND BONNIE GOING INSTRUMENT, AS THAT THEY AS BE THE VOLUNTARY ACT AND DEED OF THE
NOTARY PUBLIC IN AND FOR SAID	- STATE		
AUDITOR AND RECORDER'S CE	RTIFICATE OF RECO	<u>DRDING</u>	
STATE OF IOWA : :SS			
COUNTY OF WOODBURY :			
FILED FOR RECORD, THIS PLAT ENVELOPE WOODBURY COUNTY, IOWA.		, 2 , INDEXED AND	2022, ATO'CLOCKM. RECORDED II DELIVERED TO THE COUNTY AUDITOR OF
DATED	_, 2022		
PATRICK F. GILL, AUDITOR AND RECO	•	JNTY, IOWA	
CERTIFICATE OF COUNTY ASS	ESSOR:		
I, JULIE CONOLLY, DO HEREBY CE DAY OF			
COPY OF THIS PLAT WAS FILED IN	THE WOODBURY		

OF RESOLUTION NO. 21-33 ON THE 14TH DAY OF DECEMBER, 2021.
TITLE OPINION
WE HAVE THIS DATE EXAMINED A COMPLETE ABSTRACT TO TITLE, PURSUANT TO IOWA CODE SECTION 354.11(1)(C) TO PROPERTY WHICH INCLUDES IN ITS ENTIRETY, PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THE PLAT OF: HUSEN SUBDIVISION, WOODBURY COUNTY, IOWA LAST CERTIFIED BY ENGLESON ABSTRACT CO., INC., DATED, 2022 AT 8:59 A.M. AND FROM SAID ABSTRACT FIND GOOD AND MERCHANTABLE TITLE TO SAID PREMISES VESTED IN MAXYS FAMILY FARM, LLC, AN IOWA LIMITED LIABILITY COMPANY AND BRIAN AND BONNIE IVENER TRUST UTD JULY 6, 2006 SUBJECT TO THE FOLLOWING, LIENS, LIMITATIONS AND EXCEPTIONS:
1. ALL CERTIFIED REAL ESTATE TAXES AND SPECIAL ASSESSMENTS DUE AND PAYABLE HAVE BEEN PAID. REAL ESTATE TAXES AND SPECIAL ASSESSMENTS NOT CERTIFIED ARE A LIEN IN AN UNDETERMINED AMOUNT.
DATED:, 2022.
RYAN C. ROSS ATTORNEY AT LAW
FLOOD PLAIN
ON JANUARY 26TH, 2022, THE 100-YEAR FLOOD ELEVATION OF 1085.10' ALONG THE NORTHWEST SIDE OF THE PROPERTY WAS DETERMINED BY:
KAREN SMITH IOWA DNR, FLOOD PLAIN MANAGEMENT AND DAM SAFETY SECTION WALLACE STATE OFFICE BUILDING 502 EAST 9TH STREET DES MOINES, IA 50319
TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS
I, TINA BERTRAND, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICAT FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.
DATED, 2022.
TINA BERTRAND, TREASURER WOODBURY COUNTY, IOWA

**AUDITOR'S APPROVAL OF SUBDIVISION NAME** 

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF THE ATTACHED SUBDIVISION PLAT AS REQUIRED BY IOWA CODE SECTION 354.6(2).

DATED \_\_\_\_\_\_, 2022.

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

# **COUNTY ENGINEER'S CERTIFICATE**

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

DATED \_\_\_\_\_\_, 2022.

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

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

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF HUSEN ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

CHRISTINE ZELLMER ZANT CHAIRMAN WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA

DATED THIS \_\_\_\_\_\_, 2022.

# **BOARD OF SUPERVISORS RESOLUTION:**

RESOLUTION ACCEPTING AND APPROVING HUSEN ADDITION, WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNER AND PROPRIETORS DID ON THE \_\_\_\_\_DAY OF \_\_\_\_\_2022 FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS HUSEN ADDITION,

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

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

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

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

KEITH RADIG CHAIRMAN BOARD OF SUPERVISORS WOODBURY COUNTY, IOWA

ATTEST: PATRICK F. GILL

LICENSE RENEWAL DATE: DECEMBER

# HUSEN ADDITION FINAL PLAT

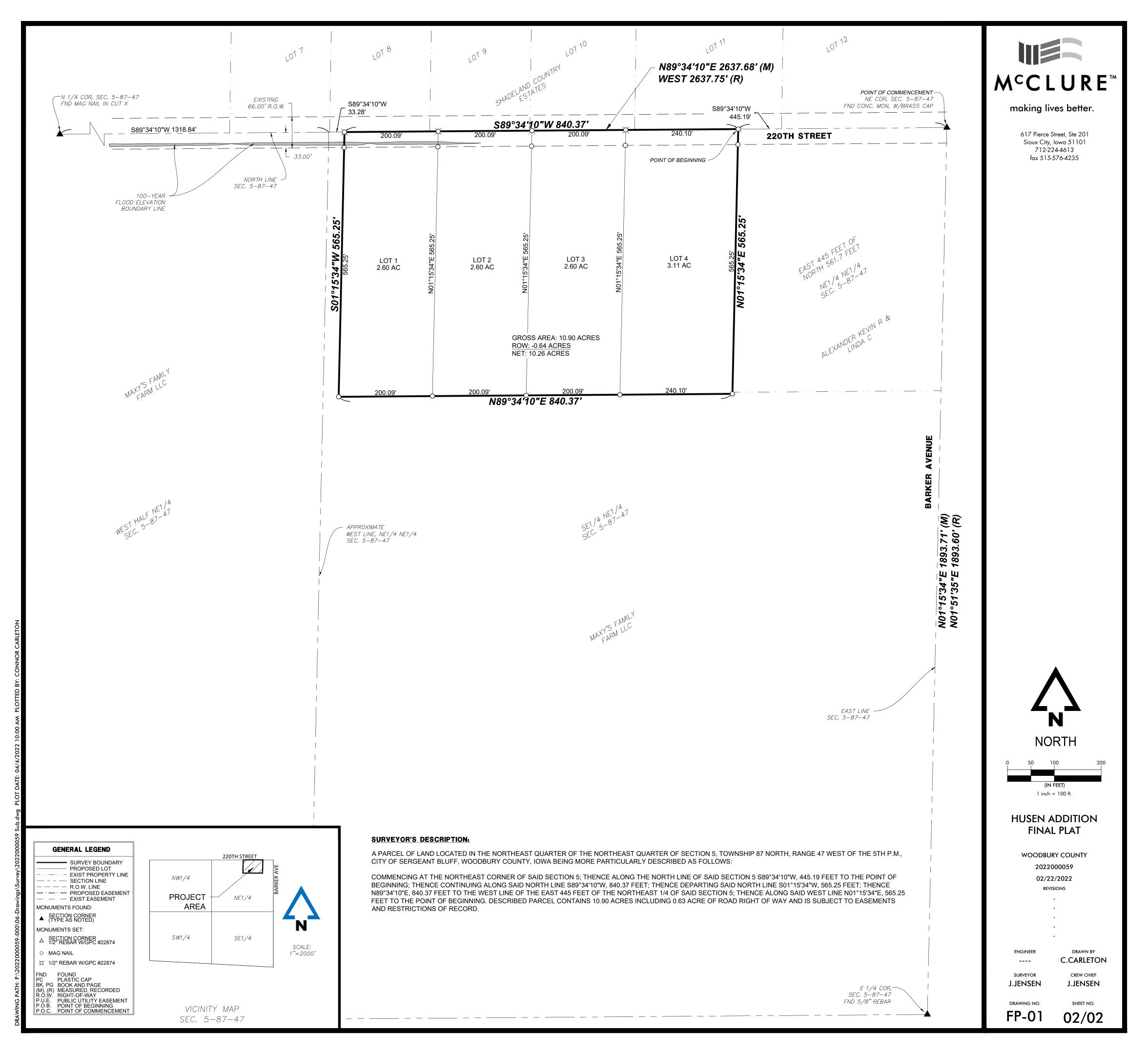
**WOODBURY COUNTY** 2022000059

02/22/2022 **REVISIONS** 

DRAWN BY **ENGINEER C.CARLETON** 

SURVEYOR J.JENSEN

CREW CHIEF J.JENSEN



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

	Date: 05.04.22 Weekly Agenda Date: 05.10.22
	ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Sheriff Chad Sheehan  WORDING FOR AGENDA ITEM:
	Approval for the purchase of handguns with electronic sights through the employees payroll deduction.
	ACTION REQUIRED:
	Approve Ordinance □ Approve Resolution □ Approve Motion ☑
	Public Hearing   Other: Informational   Attachments
	EXECUTIVE SUMMARY:
	Sheriff's Deputies would like to purchase patrol handguns that they would personally own by using a roll deduction.
	BACKGROUND:
new	Woodbury County Sheriff's Office has historically had deputies purchase their own duty handguns. With technology that is now available this would be a one time purchase that the deputies and jailers would pay k to the county.
	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:
Аррі	rove and allow the county to allocate the funds needed and then be reimbursed throughout the fiscal year.
	ACTION REQUIRED / PROPOSED MOTION:
Аррі	rove and allow the county to allocate the funds needed and then be reimbursed throughout the fiscal year.