

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM#10
a,bDate: 7/01/2020Weekly Agenda Date: 07/07/2020**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, CED Director**WORDING FOR AGENDA ITEM:**

Application for Zoning Ordinance Map Amendment: Public Hearing and Ordinance 2nd/Final Reading

ACTION REQUIRED:Approve Ordinance ☒Approve Resolution ☐Approve Motion ☒Public Hearing ☒Other: Informational ☐Attachments ☒**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing to discuss a proposed Zoning District Map amendment which would change the zoning district designation for Lots 1-5 in the Jan's Subdivision, part of Government Lot 1 of Section 2, T88N R47W (Woodbury Township) on Parcels #884702200002, 884702200004, 884702200005, 884702200006, from Agricultural Presentation to General Commercial. Following the public hearing, the Board will conduct the second reading of an ordinance approving the amendment to the zoning district map. A 60 percent majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20 percent of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing. The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

BACKGROUND:

Chad Swanger of the Terry V. Swanger Irrevocable Trust, owners of Lots 1-5 in the Jan's Subdivision, part of Government Lot 1 of Section 2, T88N R47W (Woodbury Township) on Parcels #884702200002, 884702200004, 884702200005, 884702200006, 884702200007 (located along the Highway 20 corridor about one mile east of Sioux City) requests to rezone their five parcels from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for future commercial development use. If approved, the applicant intends to obtain professional services to prepare the land for commercial development.

A western portion of Parcel # 884702200002 is located in the floodplain. This issue, along with others were discussed during the Zoning Commission's 6/22/20 public hearing on the request as provided in your backup material. Following the commission's public hearing, they voted (3-0) to recommend approval of the rezone with the following conditions:

- The applicant enter into a recorded paving agreement in compliance with the terms of the current county paving policy.
- Comply with any and all easements and encroachment agreements including area utilities not limited to Northern Natural Gas on Parcel # 884702200002.
- Implement efforts including building and site design, landscaping and screening to minimize any adverse effects of future land use or development.

The applicant is not applying for a minor subdivision concurrently with this rezone request. However, the Board of Supervisors will review the minor subdivision application subsequent to the completion of this rezone request.

FINANCIAL IMPACT:

None

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

Yes ☐ No ☐

RECOMMENDATION:

Open/close public hearing.

Conduct the second reading of the ordinance.

Waive the third/final reading.

It will be effective upon publication date.

ACTION REQUIRED / PROPOSED MOTION:

Open/close public hearing.

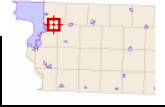
Motion to conduct the second reading of the ordinance, and waive the third/final reading.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

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



ZONING ORDINANCE MAP AMENDMENT PROPOSAL

Agricultural Preservation (AP) to General Commercial (GC)

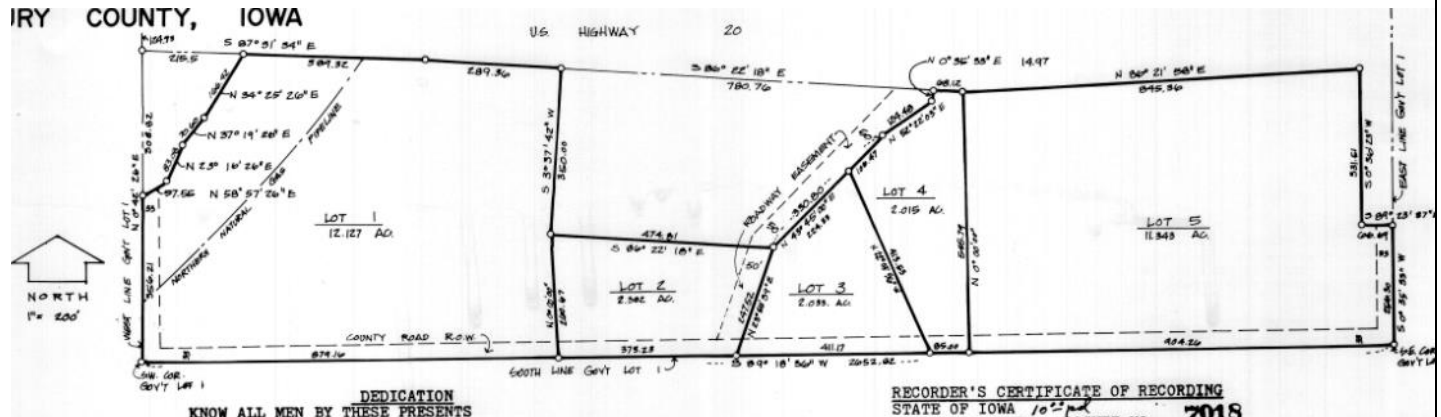
Parcels #884702200002, 884702200004, 884702200005, 884702200006, 884702200007



FACTS OF THE CASE

Chad Swanger of the Terry V. Swanger Irrevocable Trust, owners of Lots 1-5 in the Jan's Subdivision, part of Government Lot 1 of Section 2, T88N R47W (Woodbury Township) on Parcels #884702200002, 884702200004, 884702200005, 884702200006, 884702200007 (located in the Highway 20 corridor about one mile east of Sioux City and four miles west of Lawton) requests for the Woodbury County Zoning Commission to review and the Board of Supervisors to approve their request to rezone their five parcels from the Agricultural Estates (AE) Zoning District to the General Commercial (GC) Zoning District for future commercial use. A western portion of Parcel # 884702200002 is located in the floodplain.

IRY COUNTY, IOWA

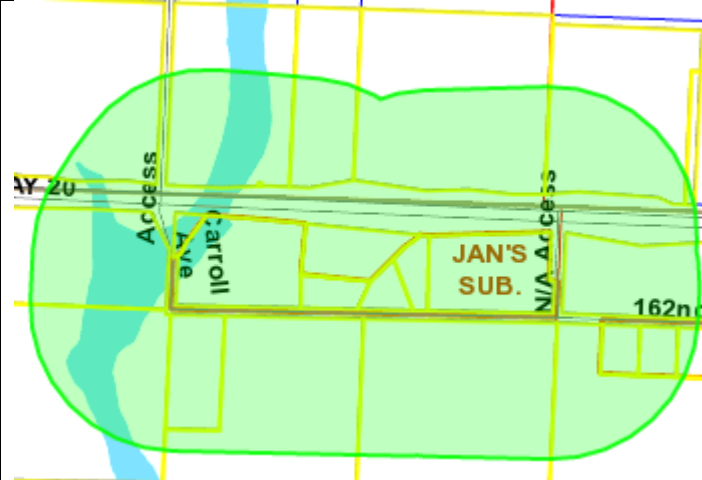


LEGAL NOTIFICATION

Published in the Sioux City Journal Legals Section on June 12, 2020.

Item (1)
PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): Proposal to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District on Lots 1-5 in the Jan's Subdivision, part of Government Lot 1 of Section 2, T88N R47W (Woodbury Township) on Parcels #884702200002, 884702200004, 884702200005, 884702200006, 884702200007 located in the Highway 20 corridor about one mile east of Sioux City and four miles west of Lawton. Applicant: Chad Swanger of the Terry V. Swanger Irrevocable Trust, 1656 162nd St., Lawton, IA 51030.

PROPERTY'S OWNER NOTICE – 1000 FT



The 17 property owners within 1,000'; and listed within the certified abstractor's affidavit; were notified by a June 11, 2020 letter of the public hearing. As of June 19, 2020, the Community & Economic Development office had not received two (2) phone inquiries from property owner owning property within 1,000'.

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

LEGAL NOTIFICATION

CENTURYLINK:

After review CenturyLink has facilities in the area but are in public ROW. We currently have a copper cable that feeds LI but not AE. – Sean Hostetter, 6/3/20.

FIBERCOMM:

No comments.

IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):

No comments.

IOWA DEPARTMENT OF TRANSPORTATION (IDOT)

The change from AE to GC would not be a concern, unless a development occurs that would generate significant traffic volumes. With our access spacing requirement of 1000' minimum on US20, additional access locations would not be allowed to US20 from the Swanger parcels. Access to the parcels would only be from secondary roads. – Kelly Mulvihill, 6/15/20.

LOGLINES:

No comments.

MAGELLAN PIPELINE:

Magellan Pipeline has no issues with this. Magellan is along the west edge of section 3 at this point and is not in section 2 at all. – Steven Eddy, 6/3/20.

MIDAMERICAN ENERGY COMPANY:

I have reviewed the attached proposed rezoning for MEC "electric" MEC does have facilities on a near these properties any requested relocations would be at the expense of the property owner. – Casey Meinen, 6/3/20.

NATURAL RESOURCES CONSERVATION SERVICES (NRCS)

No comments.

NORTHERN NATURAL GAS:

SEE STATEMENT BELOW:

NORTHWEST IOWA POWER COOPERATIVE (NIPCO):

NIPCO has reviewed this property. We do not currently have any transmission lines or substation in or adjacent to this property. We are okay with this activity. – Jayme Huber, 6/10/20.

NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	Wiatel has no concerns. – Phil Robinson, 6/3/20.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments. – Gary Brown 6/8/20.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY ENGINEER:	SEE STATEMENT BELOW:
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	We have no concerns over the proposed changes. – Kent Amendson, 6/3/20.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT (WCSWCD):	The WCSWCD has no comments regarding this proposal. – Neil Stockfleth, 6/3/20.

NORTHERN NATURAL GAS – TOM HUDSON, 6/3/20

From: Hudson, Tom <Tom.Hudson@nngco.com>
Sent: Wednesday, June 3, 2020 2:20 PM
To: Daniel Priestley
Subject: RE: Comments Requested Proposed Rezone Adjacent to HWY 20

Dan,

Northern Natural Gas Company does own and operate a 16-inch-diameter high pressure natural gas transmission line in this area. The yellow line is where the pipeline is. Changing the land to commercial with the hopes of developing it will likely be hampered by the pipeline. Any party wishing to develop the land within the red boundary lines will want to consult with Northern prior to doing so.

Thanks,
Tom





Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039

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

COUNTY ENGINEER
Mark J. Nagra, P.E.
mnagra@sioux-city.org

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

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nagra, County Engineer

Date: June 9, 2020

Subject: Swanger Rezoning application

The Secondary Road Department has reviewed the information provided for the above referenced rezoning request forwarded with your memo dated June 3, 2020.

I am offering the following comments for your consideration.

- I have reviewed the parcel for access and I have concerns with the rezoning request and potential for commercial development. The lots are bordered by county gravel roads and US Highway 20. I am not sure access can be gained to most of the lots from highway 20 due to sight distance issues and a lack of median crossovers adjacent to the lots. If they are unable to be accessed from Highway 20, they will have to use the county gravel road. Not knowing the nature of the plan for marketing the lots, it is possible that significant traffic generating businesses might be developed in one or more of the lots. Should the lots develop, and the gravel road become the primary access for the lots, I believe the lots should be subjected to a paving agreement in compliance with the terms of the current county paving policy so that the owner is contributing to the cost of any improvements to the road necessitated by the development.
- Driveway access can be gained to each parcel, although the parcel ending in 00007 will have difficulty finding a location for a driveway that is level to the road that is not within the willow grove that occupies the southern part of the lot. The other lots either are served by a driveway already or have locations with adequate sight distance that are relatively level to the roadway.
- The subdivision borders on an area with existing residential development. I am not sure that the introduction of additional commercial properties is fully compatible with the residential use already existing, particularly if the traffic serving new commercial enterprises uses the gravel road. I have heard more than one complaint about commercial business adjacent to rural residential development in the Grandy Hills Subdivision and question the compatibility of the two types of development in close proximity to one another. I question whether the Grandy Hills pattern of development should be replicated in this location. I see no enhancement to surrounding land use by making this change, while the current zoning for Ag Estate is at complimentary to the development and land use already in place in the area.
- I have no other comments at this time.

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

Cc: File

ZONING ORDINANCE EVALUATION CRITERIA FOR BOARD APPROVAL

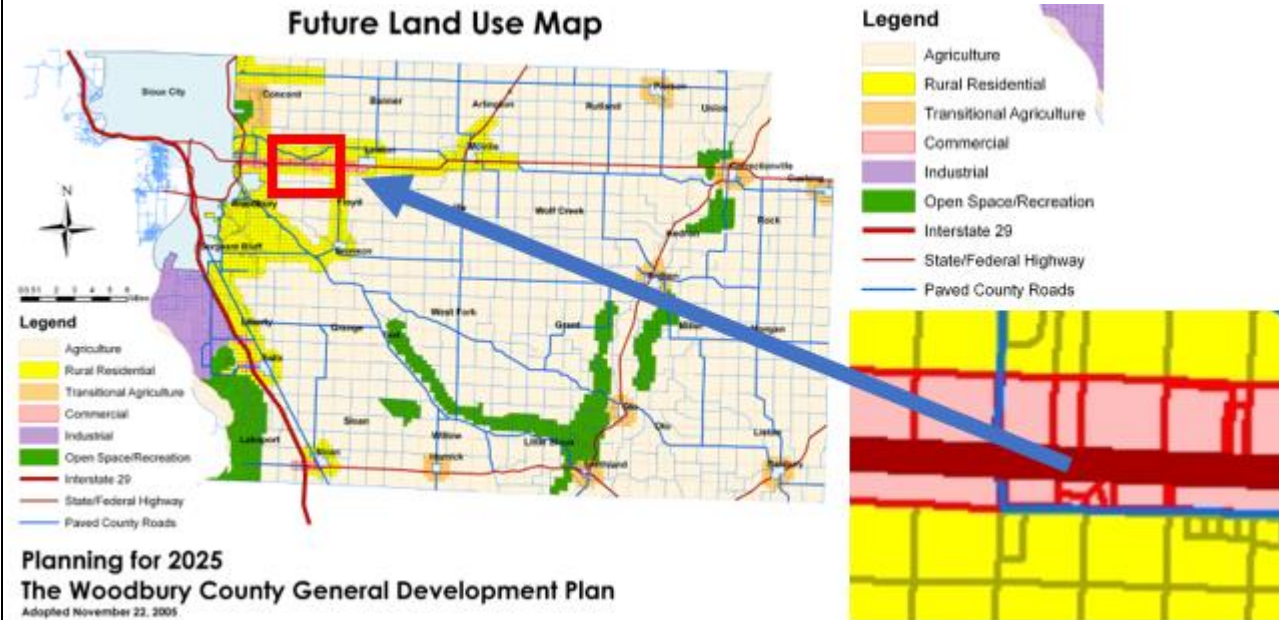
The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

CRITERIA 1:

Conformance with the goals and objectives set forth in the approved General Development Plan for Woodbury County including the Future Land Use Map.

Staff Analysis:

The development plan and its land use goal adopted in 2005 is the basis for the zoning ordinance which has mechanisms in place including rezone procedure that “promote[s] efficient, stable land uses with minimum conflict...”. The applicant’s proposal to rezone from AE to GC fits this criteria as the GC Zoning District comports with the “Future Land Use Map” that was established in 2005 as part of the Woodbury County General Development Planning for 2025.



CRITERIA 2:

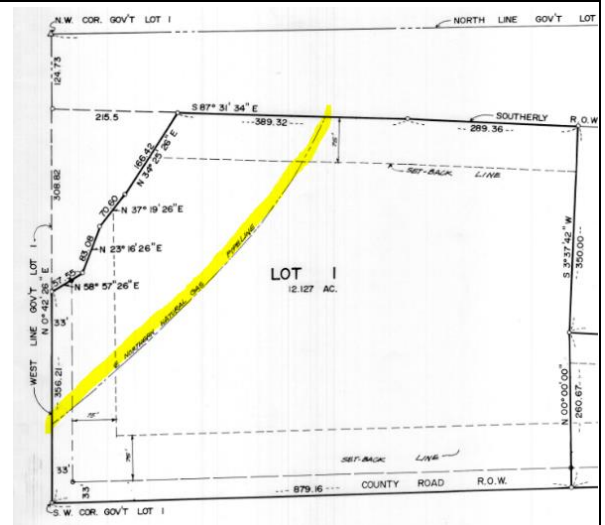
Compatibility and conformance with the policies and plans of other agencies with respect to the subject property.

Staff Analysis:

Northern Natural Gas has a 16" diameter high pressure natural gas transmission line crossing through Parcel #884702200002. As noted in their attached statement, “changing the land to commercial with the hopes of developing it will likely be hampered by the pipeline.” Northern Natural Gas must be contacted if any development were to take in the area crossing Parcel #884702200002.

CenturyLink has facilities in the public ROW and copper cable that feeds the adjacent Parcel # 884702200003 owned by Triple H International. CenturyLink must be involved with any development proposals.

According to the county engineer, should commercial lots develop and the gravel road become the primary access to the lots, they should be subject to a paving agreement in compliance with the terms of the county paving policy so the owner is contributing to the cost of any improvements to the road necessitated by the development. Four of the lots have adequate access to the road system. However, Parcel #884702200007 will have “difficulty finding a location for a driveway that is level to the road that is not within the willow drive that occupies the southern part of the lot.”



CRITERIA 3:

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

Staff Analysis:

The following data has been provided by the Woodbury County Assessor' office:

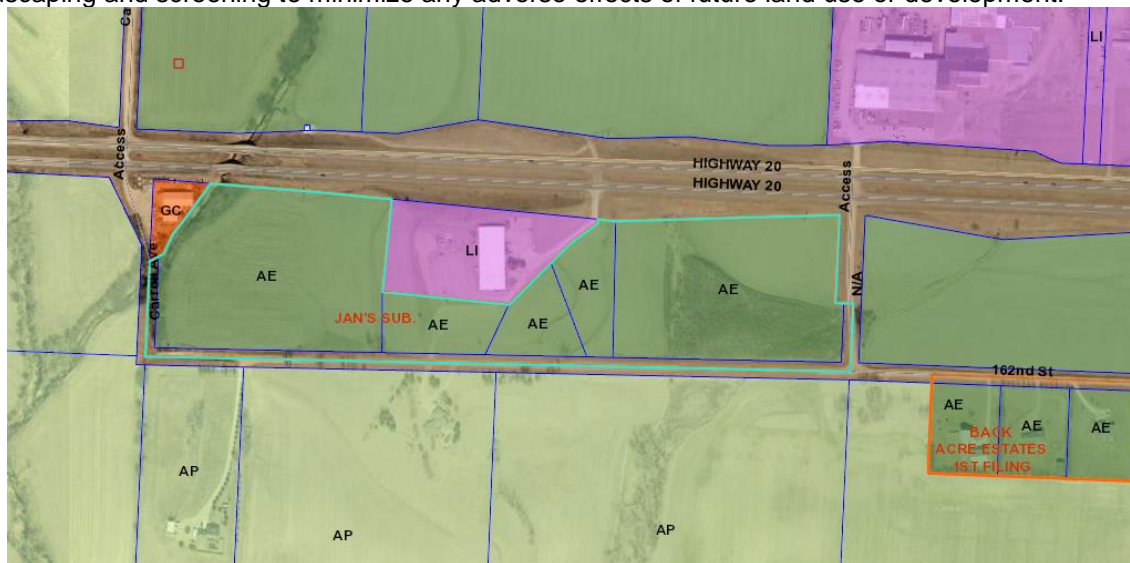
Parcel ID	CSR Rating
884702200002	avg 44.03
884702200004	avg 51.79
884702200005	avg 26.49
884702200006	avg 36.21
884702200007	avg 81.01
884702200002	avg 44.03

CRITERIA 4:

Compatibility with adjacent land uses.

Staff Analysis:

This property is located along the Highway 20 corridor which has been included in the future land use map for commercial uses. The land is also adjacent to agricultural ground including residential homes across 162nd Street. This rezone would directly place commercial land adjacent to Agricultural Preservation (AP) and Agricultural Estates (AE) land. It would be imperative for current and future property owners to implement efforts including building and site design, landscaping and screening to minimize any adverse effects of future land use or development.

**CRITERIA 5:**

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

Staff Analysis:

The intended use of the property appears to be compatible with the adjacent properties.

CRITERIA 6:

Any other relevant factors.

Staff Analysis:

This rezone request aligns with the Woodbury County General Development Plan for 2025.

STAFF RECOMMENDATION

The staff considers this an opportunity to implement the vision of the Woodbury County General Plan (2005). However, staff acknowledges the concerns by the stakeholders including the county engineer who pointed out potential compatibility issues between commercial and agricultural residential property. In this situation, it is imperative for developers to minimize any adverse impact on the neighbors during any development and operation of the commercial property.

The staff recommends approval of the rezone from Agricultural Estates (AE) to General Commercial (GC) as this property is mapped for future commercial development under the Woodbury County General Plan's Future Land Use Map for 2025 under the condition that the current and/or future property owners comply with the following:

- Enter into a recorded paving agreement in compliance with the terms of the current county paving policy (see attached).
- Comply with any and all easements and encroachment agreements including area utilities not limited to Northern Natural Gas on Parcel # 884702200002.
- Implement efforts including building and site design, landscaping and screening to minimize any adverse effects of future land use or development.

ZONING COMMISSION RECOMMENDATION

At the June 22, 2020 public meeting, the Zoning Commission voted to recommend the Zoning Ordinance Map Amendment (Rezone) with the condition that the property owner(s) meet the following conditions:

- Enter into a recorded paving agreement in compliance with the terms of the current county paving policy (see attached).
- Comply with any and all easements and encroachment agreements including area utilities not limited to Northern Natural Gas on Parcel # 884702200002.
- Implement efforts including building and site design, landscaping and screening to minimize any adverse effects of future land use or development.

PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): Amendment to rezone from the Agricultural Estates (AE) Zoning District to the General Commercial (GC) Zoning District on Lots One (1), Two (2), Three (3), Four (4), and Five (5) of Jan's Subdivision, Part of Government Lot One (1) of Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47), West of the Fifth Principal Meridian in the County of Woodbury and State of Iowa. Lot 1 also known as Parcel #884702200002 is 12.13 acres. Lot 2 also known as Parcel #884702200004 is 2.3 acres. Lot 3 also known as Parcel #884702200005 is 2.03 acres. Lot 4 also known as Parcel #884702200006 is 2.02. Lot 5 also known as Parcel #884702200007 is 11.34.

PART OF GOVERNMENT LOT 1, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 0°42' 26" W ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 124.73 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 20; THENCE S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 215.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 389.32 FEET; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 289.36 FEET; THENCE S 3°37' 42" W FOR 350.00 FEET; THENCE S 86° 22' 18" E FOR 474.81 FEET; THENCE N 43°45' 00" E FOR 330.80 FEET; THENCE N 52°22' 03" E FOR 124.48 FEET; THENCE N 0°35' 33" E FOR 14.97 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 68.12 FEET; THENCE N 86°21' 58" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 845.36 FEET; THENCE S 0°36' 23" W FOR 331.51 FEET; THENCE S 89°23' 37" E FOR 66.69 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 1; THENCE S 0°35' 33" W ALONG SAID EAST LINE FOR 256.30 FEET TO THE S.E. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 89°18' 36" W ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 FOR 2652.82 FEET TO THE S.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE N 0°42' 26" E ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 356.21 FEET; THENCE N 58°57' 26" E FOR 57.55 FEET; THENCE N 23°16' 26" E FOR 83.08 FEET; THENCE N 37°19' 26" E FOR 70.60 FEET; THENCE N 34°25' 26" E FOR 166.42 FEET TO THE POINT OF BEGINNING. CONTAINING 29.900 ACRES. PARCEL IS SUBJECT TO EXISTING ROADWAYS AND EASEMENTS OF RECORD. NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 1 IS ASSUMED TO BEAR DUE EAST.

Property Owner and Applicant – Chad Swanger of the Terry V. Swanger Irrevocable Trust, 1656 162nd St., Lawton, IA 51030.

WOODBURY COUNTY PAVING POLICY



COUNTY ENGINEER
Mark J. Nabra, P.E.
mnabra@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

Woodbury County Secondary Roads Department

759 E. Frontage Road • Moline, Iowa 51039
Telephone (712) 279-6484 • (712) 875-3215 • Fax (712) 875-3235

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT POLICY AND PROCEDURE MEMORANDUM

PPM #5, 2015

SUBJECT: PAVING POLICY

1.0 Purpose

Subdivision development in the rural area creates additional traffic on gravel surfaced roads which were designed primarily for rural farm access. Fugitive dust and rough roads draw frequent complaints from residents who move to the rural area and construct new homes. The county receives requests for paving the roads to meet the new traffic demand.

Property taxes generated by rural residential development rarely pay back the cost of grading and paving a road to meet the new demand. As such, the county is developing this policy to gain participation in road improvement costs from the subdivider or those who purchase rural residential property. This policy states the level of county participation in road improvements and sets a framework for developing paving agreements in the rural area.

The County has not realized total reimbursement of roadway improvement costs from subdivision developers or land owners. Financial, human and other resources are limited and therefore the County desires to establish financial resource guidelines for future pavement extensions to, adjacent and through rural subdivisions.

For new subdivisions the terms of roadway improvement cost sharing within this Paving Policy shall be implemented by the use of Agreements to Impose Covenants; more commonly known as Paving Agreements. Specifically, as a condition of a subdivision's final plat approval, that the Board of Supervisors will require the timely recording of any Paving Agreement.

Samples of Paving Agreement language meeting this Paving Policy is attached and marked Exhibit A and Exhibit B.

Financial Resources

1.1 Special Assessment District

Chapter 331, Section 485, Code of Iowa, establishes the procedures for "County Special Assessment Districts". This process would be the most logical form of cost reimbursement to the County. Section 331.486 indicates that "a county may construct and assess the cost of public improvements within a district in the same manner as a city may proceed under Chapter 384..." Sections 384.37 – 384.79 describes the procedures cities are required to follow for special assessment districts. District boundaries are established by the Board of Supervisors as per Section 331.485.

1.2 Tax Increment Financing

Chapter 403, Code of Iowa, is the "Urban Renewal Law". Section 403.22 describes public improvements related to housing and residential development and low income assistance requirements. The County has use of the funds, but must designate the Low to Moderate Income (LMI) portion to go towards LMI benefit.

1.3 Real Estate Improvements District

Chapter 358C, Code of Iowa, establishes the procedures for creation of a Real Estate Improvement District. The general assembly created this program to assist developers and communities in increasing the availability of housing in Iowa communities. Section 358C.4 authorizes the district to acquire, construct, reconstruct, install, maintain, and repair any of the public improvements listed in this section. Section 358C.4.2.m identifies "Public roads, streets, and alleys" as eligible public improvements.

1.4 General Obligation Bonds

Section 331.441-331.460 describes the procedures for issuance of General Obligation Bonds for "Essential County Purpose". Section 331.441.2.b.2 identifies "Bridges on highway or parts of highways which are located along the corporate limits of cities and are partly within and partly without the limits and are in whole or in part secondary roads".

2.0 Participation Guidelines

- 2.1 Woodbury County will begin to consider paving extensions and County participation when the Average Daily Traffic (ADT) falls within the range of 250 to 500 vehicles per day.
- 2.2 The County will participate up to 20% of the construction costs for paving extension to, adjacent or through a new subdivision or through an existing development. Project development costs will be borne solely by the developer, subdivider or land owners requesting the road upgrade. Grading costs to prepare the roadway for paving will be included in the cost of the project to be shared by the parties requesting the paving improvement.
- 2.3 Woodbury County will use six (6) vehicles per day as a planning number to estimate the number of trips generated by a single family residence.
- 2.4 Bridges, box culverts and other drainage structures will be negotiated individually as proposed projects are presented to the County.

- 2.5 Payment of the cost of the project will be made from funds of the County that may be legally used for such purpose at the sole discretion of the Board of Supervisors.
- 2.6 The Woodbury County Engineer may assist the developer with the development of opinions of cost related to the proposed pavement extension. This shall be considered as a planning tool only. Actual final construction costs will determine the necessary financial commitment of the developer, subdivider or land owner.
- 2.7 Design guidelines and standards will be established by the Woodbury County Engineer.
- 2.8 Schedules will be determined by the Woodbury County Engineer.
- 2.9 These guidelines are not intended to be all inclusive. The Board of Supervisors reserves the right to modify these guidelines as necessary to accommodate the social and economic needs of the project.

3.0 Summary

Woodbury County desires that these guidelines shall be made in accordance with a comprehensive plan and designed to facilitate the adequate provision of transportation, to encourage efficient urban development patterns and to lessen congestion in the street or highway.

Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such are for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Woodbury County.

This Paving Policy approved this 5th day of May, 2015 for Woodbury County, State of Iowa,

SO APPROVED this 5th day of May, 2015.

WOODBURY COUNTY BOARD OF SUPERVISORS

ATTEST:

Patrick F. Gill
Patrick F. Gill, County Auditor
Recorder

Mark A. Monson
Mark A. Monson, Chairman
Larry D. Clausen
Larry D. Clausen, Member
Jaclyn Smith
Jaclyn Smith, Member
Matthew A. Ung
Matthew A. Ung, Member
Jeremy V. Taylor
Jeremy V. Taylor, Member

PARCEL # 884702200002

Summary

Parcel ID 884702200002
Alternate ID N/A
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description LOT 1 JANS SUB DIV 2-88-47 LAWTON BRONSON WOODBURY
(Note: Not to be used on legal documents)
Deed Book/Page 230-2257 (3/27/1990)
Gross Acres 12.13
Net Acres 12.13
Adjusted CSR Pts 0
Class R - Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
District N/A
School District LAWTON BRONSON
Neighborhood N/A
Main Area Square Feet N/A

Owner

Deed Holder
Swarner Terry V
1656 162nd St
Lawton IA 51030-9729

Land

Lot Area 12.13 Acres ; 528,383 SF

Valuation

	2020	2019	2018	2017
Classification	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$16,130	\$16,130	\$11,310	\$11,310
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$16,130	\$16,130	\$11,310	\$11,310
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$16,130	\$16,130	\$11,310	\$11,310



PARCEL # 884702200004

Summary

Parcel ID 884702200004
Alternate ID N/A
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description LOT2 JANS SUB DIV 2-88-47 LAWTON BRONSON WOODBURY
(Note: Not to be used on legal documents)
Deed Book/Page 230-2257 (6/27/1990)
Gross Acres 2.30
Net Acres 2.30
Adjusted CSR Pts 0
Class R - Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
District N/A
School District LAWTON BRONSON
Neighborhood N/A
Main Area Square Feet N/A

Owner

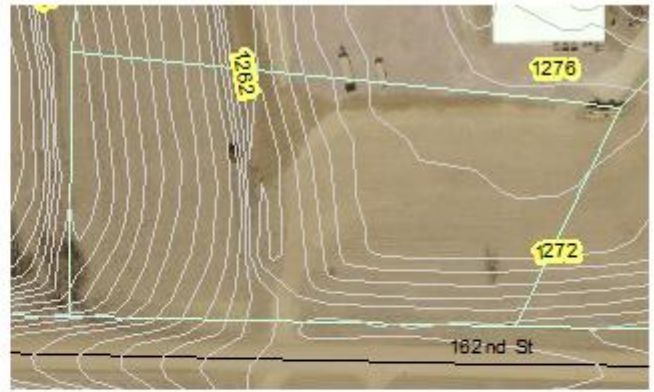
Deed Holder Swanger, Terry V
1656 162nd St
Lawton IA 51030-9729
Contract Holder

Land

Lot Area 2.30 Acres ; 100,188 SF

Valuation

	2020	2019	2018	2017
Classification	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$10,860	\$10,860	\$7,490	\$7,490
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$10,860	\$10,860	\$7,490	\$7,490
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$10,860	\$10,860	\$7,490	\$7,490



PARCEL # 884702200005

Summary

Parcel ID 884702200005
Alternate ID N/A
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description LOT3 JANS SUB DIV 2-88-47 LAWTON BRONSON WOODBURY
(Note: Not to be used on legal documents)
Deed Book/Page 230-2257 (3/27/1990)
Gross Acres 2.03
Net Acres 2.03
Adjusted CSR Pts 0
Class R - Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
District N/A
School District LAWTON BRONSON
Neighborhood N/A
Main Area Square Feet N/A

Owner

Deed Holder Swanger, Terry V
1656 162nd St
Lawton IA 51030-9729
Contract Holder
Mailing Address

Land

Lot Area 2.03 Acres ; 88,427 SF

Valuation

	2020	2019	2018	2017
Classification	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$10,700	\$10,700	\$7,220	\$7,220
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$10,700	\$10,700	\$7,220	\$7,220
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$10,700	\$10,700	\$7,220	\$7,220



PARCEL # 884702200006

Summary

Parcel ID 884702200006
Alternate ID N/A
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description LOT 4 JANS SUB DIV 2-88-47 LAWTON BRONSON WOODBU RY
(Note: Not to be used on legal documents)
Deed Book/Page 230-2257 (3/27/1990)
Gross Acres 2.02
Net Acres 2.02
Adjusted CSR Pts 0
Class R - Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
District N/A
School District LAWTON BRONSON
Neighborhood N/A
Main Area Square Feet N/A

Owner

Deed Holder
Swanger Terry V
1656 162nd St
Lawton IA 51030-9729

Contract Holder

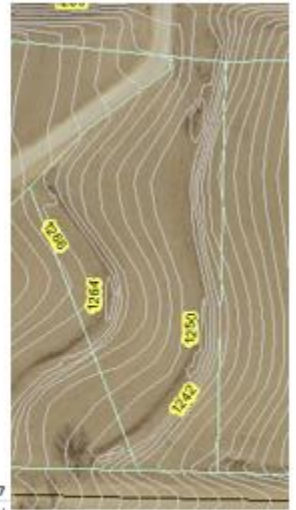
Mailing Address

Land

Lot Area 2.02 Acres : 87,991 SF

Valuation

	2020	2019	2018	2017
Classification	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$10,700	\$10,700	\$7,220	\$7,220
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$10,700	\$10,700	\$7,220	\$7,220
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$10,700	\$10,700	\$7,220	\$7,220



PARCEL # 884702200007

Summary

Parcel ID 884702200007
Alternate ID N/A
Property Address N/A
Sec/Twp/Rng 2-88-47
Brief Tax Description LOTS 5 JANS SUB DIV 2-88-47 LAWTON BRONSON WOODBU RY
(Note: Not to be used on legal documents)
Deed Book/Page 230-2257 (3/27/1990)
Gross Acres 11.34
Net Acres 11.34
Adjusted CSR Pts 0
Class R - Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
District N/A
School District LAWTON BRONSON
Neighborhood N/A
Main Area Square Feet N/A

Owner

Deed Holder
Swanger Terry V
1656 162nd St
Lawton IA 51030

Contract Holder

Land

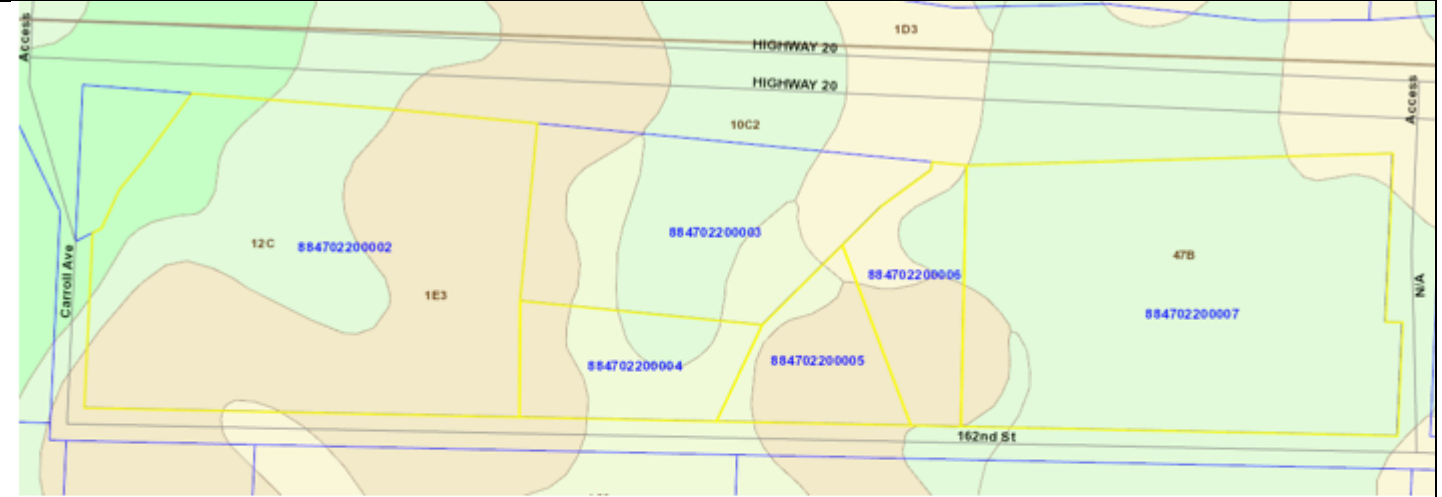
Lot Area 11.34 Acres : 493,970 SF

Valuation

	2020	2019	2018	2017
Classification	Residential	Residential	Residential	Residential
+ Assessed Land Value	\$15,520	\$15,520	\$12,220	\$12,220
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$15,520	\$15,520	\$12,220	\$12,220
- Exempt Value	\$0	\$0	\$0	\$0
= Net Assessed Value	\$15,520	\$15,520	\$12,220	\$12,220



SOIL



Parcel #	*Average Crop Suitability Rating
884702200002	44.03
884702200004	51.79
884702200005	26.49
884702200006	36.21
884702200007	81.01



*Data provided from the Woodbury County Assessor's Office (5/28/20).

REZONE APPLICATION



OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance
Section 2.02(4)
Page 1 of 8

Rezoning Application & Zoning Ordinance Map Amendment **AE → GC**

Owner Information: IRREVOCABLE Owner <u>TERRY V SWANGER TRUST</u> Address <u>1656 162nd St.</u> <u>LAWTON, IA 51030</u> Phone <u>408-876-8347</u>		Applicant Information: Applicant <u>CHAD SWANGER</u> Address <u>4274 DELACROIX CT.</u> <u>SAN JOSE, CA 95135</u> Phone <u>408-876-8347</u>	
Engineer/Surveyor _____		Phone _____	
Property Information: Property Address or Address Range <u>1656 162nd St., LAWTON, IA 51030</u> Quarter/Quarter _____ Sec _____ Township/Range <u>LAWTON, IA 51030</u> Parcel ID # <u>See enclosed</u> or GIS # <u>See enclosed</u> Total Acres <u>30</u> Current Use <u>Agriculture</u> Proposed Use <u>Agriculture</u> Current Zoning <u>Agriculture</u> Proposed Zoning <u>Commercial General</u> Average Crop Suitability Rating (submit NRCS Statement) _____			
<p>The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).</p> <p>A formal pre-application meeting is recommended prior to submitting this application.</p> <p>Pre-app mtg. date _____ Staff present _____</p> <p>The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.</p> <p>This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.</p>			
Owner <u>[Signature]</u> Date <u>5-22-2020</u>		Applicant <u>CHAD SWANGER</u> Date <u>5-22-2020</u>	
Fee: \$400 Case #: <u>6561</u> Check #: <u>4028</u> Receipt #: _____		RECEIVED MAY 26 2020 WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT	

AE 88 4700 22 00 002
AE 88 470 22 00 004
AE 88 47 022 00 005
AG 88 47 022 00 006
AK 88 47 022 00 007

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

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

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

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

Dated this ____ day of _____ 2020.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Matthew A. Ung, Chairman

Keith Radig, Vice Chairman

Rocky De Witt

Marty Pottebaum

ATTEST

Patrick F. Gill, Auditor

Adoption Timeline:

Public Hearing and 1st Reading: June 30, 2020

Public Hearing and 2nd Reading:

Public Hearing and 3rd Reading:

Adopted:

ITEM ONE (1)

Property Owner: Terry V. Swanger, 1656 162nd St., Lawton, IA 51030.

Petitioner Applicant: Chad Swanger of the Terry V. Swanger Irrevocable Trust, 1656 162nd St., Lawton, IA 51030.

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, June 22, 2020, to review and make recommendation for an amendment to Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

Amendment to rezone from the Agricultural Estates (AE) Zoning District to the General Commercial (GC) Zoning District on Lots One (1), Two (2), Three (3), Four (4), and Five (5) of Jan's Subdivision, Part of Government Lot One (1) of Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47), West of the Fifth Principal Meridian in the County of Woodbury and State of Iowa. Lot 1 also known as Parcel #884702200002 is 12.13 acres. Lot 2 also known as Parcel #884702200004 is 2.3 acres. Lot 3 also known as Parcel #884702200005 is 2.03 acres. Lot 4 also known as Parcel #884702200006 is 2.02. Lot 5 also known as Parcel #884702200007 is 11.34 acres.

PART OF GOVERNMENT LOT 1, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 0°42' 26" W ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 124.73 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 20; THENCE S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 215.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 389.32 FEET; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 289.36 FEET; THENCE S 3°37' 42" W FOR 350.00 FEET; THENCE S 86° 22' 18" E FOR 474.81 FEET; THENCE N 43°45' 00" E FOR 330.80 FEET; THENCE N 52°22' 03" E FOR 124.48 FEET; THENCE N 0°35' 33" E FOR 14.97 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 68.12 FEET; THENCE N 86°21' 58" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 845.36 FEET; THENCE S 0°36' 23" W FOR 331.51 FEET; THENCE S 89°23' 37" E FOR 66.69 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 1; THENCE S 0°35' 33" W ALONG SAID EAST LINE FOR 256.30 FEET TO THE S.E. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 89°18' 36" W ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 FOR 2652.82 FEET TO THE S.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE N 0°42' 26" E ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 356.21 FEET; THENCE N 58°57' 26" E FOR 57.55 FEET; THENCE N 23°16' 26" E FOR 83.08 FEET; THENCE N 37°19' 26" E FOR 70.60 FEET; THENCE N 34°25' 26" E FOR 166.42 FEET TO THE POINT OF BEGINNING. CONTAINING 29.900 ACRES. PARCEL IS SUBJECT TO EXISTING ROADWAYS AND EASEMENTS OF RECORD. NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 1 IS ASSUMED TO BEAR DUE EAST.

Following the public hearing, the Zoning Commission voted unanimously to recommend approval of said request to the Woodbury County Board of Supervisors.