

**ORDINANCE NO. \_\_**

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

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

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

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

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

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District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

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

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

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

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

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

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

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

Attest:

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

<b>Adoption Timeline:</b> Public Hearing and 1st Reading: Public Hearing and 2nd Reading: Public Hearing and 3rd Reading: Adopted: Effective:
--

## 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:

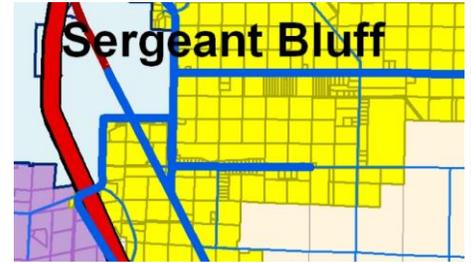
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE ALONG THE NORTH LINE OF SAID SECTION 5 S89°34'10"W, 445.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89°34'10"W, 840.37 FEET; THENCE DEPARTING SAID NORTH LINE S01°15'34"W, 565.25 FEET; THENCE N89°34'10"E, 840.37 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, 565.25 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.

# 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.
- **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.

**Summary**

Parcel ID	874705200002
Gross Acres	12.19
ROW Acres	0.00
Gross Taxable Acres	12.19
Exempt Acres	0.00
Net Taxable Acres	12.19 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	75.51 (920.44 CSR2 Points / 12.19 Gross Taxable Acres)

*Agriculture Active Corridor 2017 CSR2*

**Sub Parcel Summary**

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.38	75.51	859.32	859.32
Non-Crop	0.81	75.46	61.12	34.47
<b>Total</b>	<b>12.19</b>		<b>920.44</b>	<b>893.79</b>

**Soil Summary**

Description	SMS	Soil Name	Adjusted CSR2	Unadjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	2549	MODERATE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	9.99	759.24	759.24
100% Value	137	HANHIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	1.39	100.08	100.08
Non-Crop	3549	MODERATE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	0.70	53.20	29.89
Non-Crop	137	HANHIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	0.11	7.92	4.58
<b>Total</b>				<b>12.19</b>	<b>920.44</b>	<b>893.79</b>

**Overview**

**Legend**

- Roads
- Soils: 0.000000 - 5.000000, 5.000001 - 20.000000, 20.000001 - 30.000000, 30.000001 - 40.000000, 40.000001 - 50.000000, 50.000001 - 60.000000, 60.000001 - 70.000000, 70.000001 - 80.000000, 80.000001 - 90.000000, 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

**Parcel Information:**  
Parcel ID: 874705200002, Alternate ID: 767190  
Sew/Twp/Rng: 5-87-47, Class: A  
Property Address: 1390 200TH ST, SERGEANT BLUFF, Acreage: 12.19  
District: 0038, Owner Address: MAXY'S FAMILY FARM LLC, 3701 CHEYENNE BLVD, SIOUX CITY, IA 51104  
Bret Tax Description: EX E445' N561.7' NENE 5-87-47



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. Stulich	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 220th 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.

<b>STAKEHOLDER COMMENTS</b>	
<b>911 COMMUNICATIONS CENTER:</b>	No issues here. – Glenn Sedivy, 4/4/22.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	No comments.
<b>LONGLINES:</b>	No comments.
<b>LUMEN:</b>	<p>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.</p> 
<b>MAGELLAN PIPELINE:</b>	This project should not impact Magellan. – Bryan Ferguson, 4/4/22.
<b>MIDAMERICAN ENERGY COMPANY (Electrical Division):</b>	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.
<b>MIDAMERICAN ENERGY COMPANY (Gas Division):</b>	No comments.
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS):</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	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.
<b>NUSTAR PIPELINE:</b>	No comments.
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	I have no concerns or comments. – Rebecca Socknat, 4/4/22.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	I have no issues with the proposed rezone. – Mark Nahra, PE, 4/1/22.
<b>WOODBURY COUNTY RECORDER:</b>	No issues. – Diane Swoboda Peterson, 4/4/22.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	No concerns or comments. – Kent Amundson, 4/4/22.
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:</b>	The WCSWCD has no comments regarding this subdivision proposal. – Neil Stockfleth, 4/4/22.
<b>WOODBURY COUNTY TREASURER:</b>	The taxes for this parcel are current. – Kimberlee Koepke, 4/1/22.

# PARCEL REPORT

## Summary

**Parcel ID** 874705200002  
**Alternate ID** 767190  
**Property Address** 1390 220TH ST  
 SERGEANT BLUFF IA 51054  
**Sec/Twp/Rng** 5-87-47  
**Brief Tax Description** EX E445' N561.7' NENE S-87-47  
(Note: Not to be used on legal documents)  
**Deed Book/Page** 2021-06042 (5/6/2021)  
**Gross Acres** 12.19  
**Net Acres** 12.19  
**Adjusted CSR Pts** 893.79  
**Zoning** AP - AGRICULTURAL PRESERVATION  
**District** 0038 LIBERTY/SB/L  
**School District** SCTI BLUFF LUTON  
**Neighborhood** N/A

## Owner

<b>Deed Holder</b> Maxys Family Farm LLC 3701 Cheyenne Blvd Sioux City IA 51104	<b>Contract Holder</b>	<b>Mailing Address</b> Michael Or Gira Bernstein 8 Crestwood Dr Saint Louis MO 63105
<b>Ivener Brian &amp; Bonnie Trust</b> 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	Building Count
0	Bin - Wire Grain Storage		12	14	1967	1
0	Bin - Grain Storage (Bushel)		0	0	1977	1

## Sales

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

[Show](#) There are other parcels involved in one or more of the above sales:

## Valuation

	2022	2021	2020	2019	2018
<b>Classification</b>	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
= Gross Assessed Value	\$23,800	\$23,800	\$22,470	\$22,470	\$32,290
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$23,800	\$23,800	\$22,470	\$22,470	\$32,290

# SOIL REPORT

## Summary

**Parcel ID** 874705200002  
**Gross Acres** 12.19  
**ROW Acres** 0.00  
**Gross Taxable Acres** 12.19  
**Exempt Acres** 0.00  
**Net Taxable Acres** 12.19 (Gross Taxable Acres - Exempt Land)  
**Average Unadjusted CSR2** 75.51 (920.44 CSR2 Points / 12.19 Gross Taxable Acres)

Aglamd Active Config 2017 CSR2

## Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.38	75.51	859.32	859.32
Non-Crop	0.81	75.46	61.12	34.47
<b>Total</b>	<b>12.19</b>		<b>920.44</b>	<b>893.79</b>

## Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
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	100.08
Non-Crop	3549	MODALE SOILS, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	76.00	0.70	53.20	29.89
Non-Crop	137	HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	0.11	7.92	4.38
<b>Total</b>				<b>12.19</b>	<b>920.44</b>	<b>893.79</b>



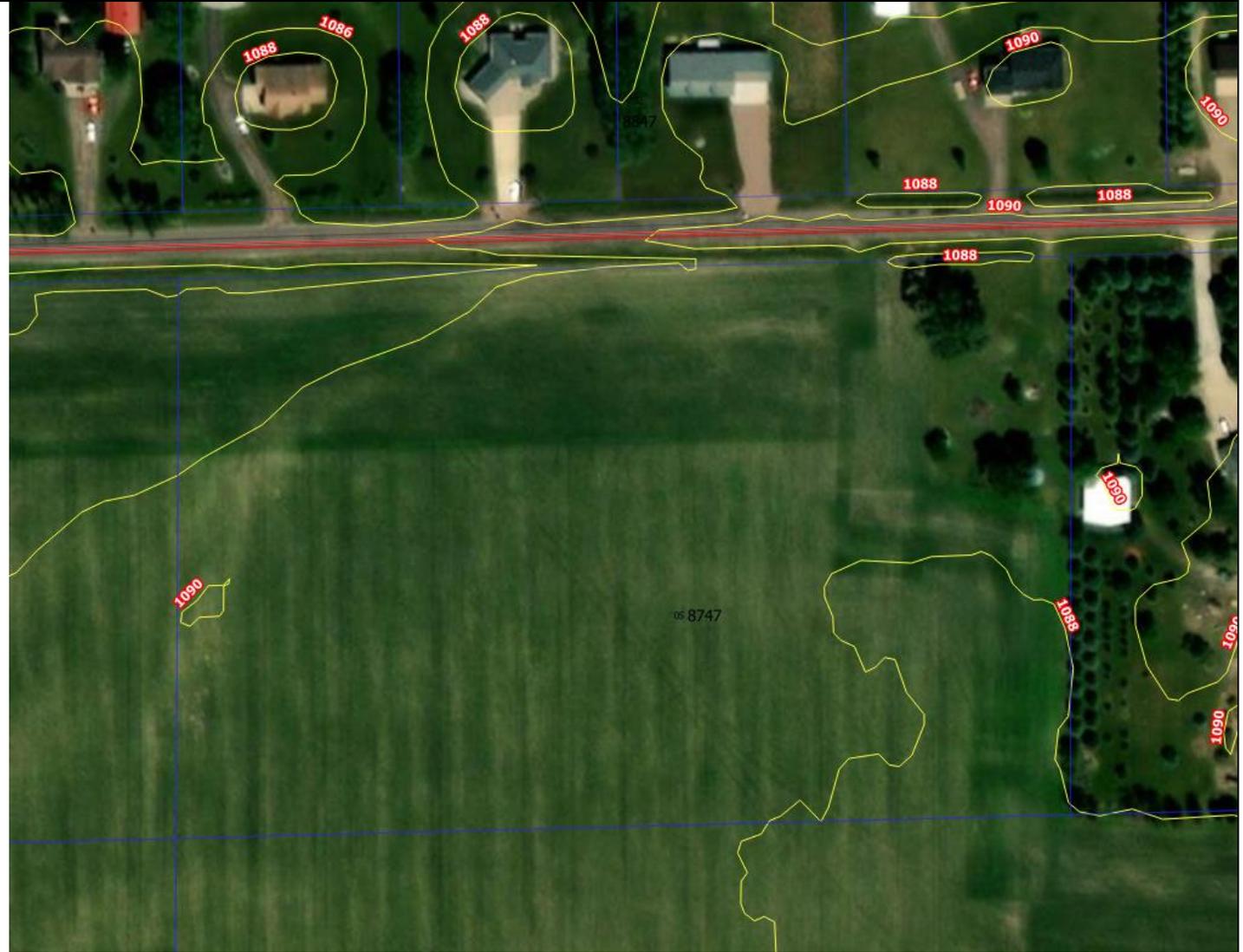
## Overview



- Legend**
- Roads
  - Soils
    - 0.000000 - 5.000000
    - 5.000001 - 20.000000
    - 20.000001 - 30.000000
    - 30.000001 - 40.000000
    - 40.000001 - 50.000000
    - 50.000001 - 60.000000
    - 60.000001 - 70.000000
    - 70.000001 - 80.000000
    - 80.000001 - 90.000000
    - 90.000001 - 100.000000
  - Corp Boundaries
  - Townships
  - Parcels

**Parcel ID** 874705200002  
**Sec/Twp/Rng** 5-87-47  
**Property Address** 1390 220TH ST  
 SERGEANT BLUFF  
**District** 0038  
**Brief Tax Description** EX E445' N561.7' NENE S-87-47  
**Alternate ID** 767190  
**Class** A  
**Acreage** 12.19  
**Owner Address** MAXYS FAMILY FARM LLC  
 3701 CHEYENNE BLVD  
 SIOUX CITY, IA 51104

ELEVATION



**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, 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<sup>th</sup> Street agreeing to an assessment on said Lots in event 220<sup>th</sup> 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 this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Maxys Family Farm, LLC,

\_\_\_\_\_  
*Dolf Ivener, Member*

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

Brian and Bonnie Ivener Trust UTD July 6, 2006

\_\_\_\_\_  
*Brian Ivener, Trustee*

On this \_\_\_\_ day of \_\_\_\_\_ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Dolf Ivener, Member Maxys Family Farm LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Dolf Ivener as Member of Maxys Family Farm LLC** executed the same as a voluntary act and deed.

\_\_\_\_\_  
Public in and for said County Notary  
Seal or stamp above

On this \_\_\_\_ day of \_\_\_\_\_ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Brian Ivener, Trustee of the Brian & Bonnie Ivener Trust UTD July 6, 2006** executed the same as a voluntary act and deed.

\_\_\_\_\_  
Public in and for said County 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.