

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

Date: 3/1/23

Weekly Agenda Date: 3/7/23 4:42

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

**WORDING FOR AGENDA ITEM:**

a. Receive final report-Zoning Commission recommendation to approve Rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for Maxys Family Farm LLC & Brian & Bonnie Ivener Trust 13.26-acres located on Parcel #874704300003. b. Conduct Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE. c. Approve the 1st Reading of the Ordinance (Rezone)

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing at 4:42 PM to discuss a proposed Zoning Ordinance Map Amendment to rezone Maxys Family Farm LLC & Brian & Bonnie Ivener Trust, LLC's 13.26-acre property located on Parcel #874704300003, SW1/4 SW1/4, T87N R47W, Section 4 (Liberty Township) from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District.

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

**BACKGROUND:**

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 #874704300003) as referenced above from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of establishing six residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2023 for the Zoning Commission's public hearing and on March 2, 2023 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a February 10, 2023 letter about the February 27, 2023 Zoning Commission public hearing and have been requested to comment. As of February 22, 2023, 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 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. Following the February 27, 2023 public hearing at the Woodbury County Zoning Commission, the Zoning Commissioners voted 3-0 to recommend approval to the Board of Supervisors, the Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on the portion of Parcel #874704300003 as proposed. Staff also recommends approval.

**FINANCIAL IMPACT:**

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

Yes  No

**RECOMMENDATION:**

Receive final report and Zoning Commission recommendation from their 2/27/23 meeting.

Open and close the public hearing. (Set Time: 4:42 PM)

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

The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 3/14/23 at 4:42 PM, and Tuesday, 3/21/23 at 4:42 PM, respectively.

**ACTION REQUIRED / PROPOSED MOTION:**

- a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for Maxys Family Farm LLC & Brian & Bonnie Ivener Trust, 13.26-acres located on Parcel #874704300003.
- b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone Parcel #874704300003 from AP to AE. (Set Time: 4:42 PM)
- c. Motion to Approve the 1st Reading of the Ordinance - Zoning Ordinance Map Amendment (Rezone).



# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

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

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

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

## FINAL REPORT – FEBRUARY 28, 2023

### MAXYS FAMILY FARM LLC / BRIAN AND BONNIE IVENER TRUST ZONING ORDINANCE MAP AMENDMENT (REZONE) FROM AP TO AE ZONING DISTRICT

#### APPLICATION DETAILS:

**Owner(s):** Maxys Family Farm LLC; Brian & Bonnie Ivener Trust  
**Application Type:** Zoning Ordinance Map Amendment (Rezoning)  
**Current Zoning District:** Agricultural Preservation (AP)  
**Proposed Zoning District:** Agricultural Estates (AE)  
**Total Acres:** 13.26 Acres  
**Current Use:** Agriculture **Proposed Use:** Residential  
**Corn Suitability Rating(s):** 66.26 CSR2  
**Pre-application Meeting:** None  
**Application Date:** 1/31/23  
**Legal Notice Date:** 2/11/23  
**Stakeholder (1000') Letter Date:** 2/10/23  
**Zoning Commission Public Hearing Date:** 2/27/23  
**Board of Supervisors Public Hearing Date(s):** 3/7/23, 3/14/23, 3/21/23 (All at 4:42 PM - It is possible the third hearing could be waived at the second hearing.)

#### PROPERTY DETAILS:

**Parcel(s):** 874704300003  
**Township/Range:** T87N R47W (Liberty Township)  
**Section:** 4  
**Quarter:** SW ¼ SW ¼  
**Zoning District:** Agricultural Preservation (AP)  
**Floodplain District:** Zone A – General Floodplain  
**Address:** None

#### TABLE OF CONTENTS:

Summary, Aerial, Plat Excerpt & Recommendation Application  
 Evaluation Criteria  
 Legal Notification  
 Adjacent Owners' Notification  
 Stakeholder Comments  
 Proposed Ordinance Language  
 Supporting Documentation

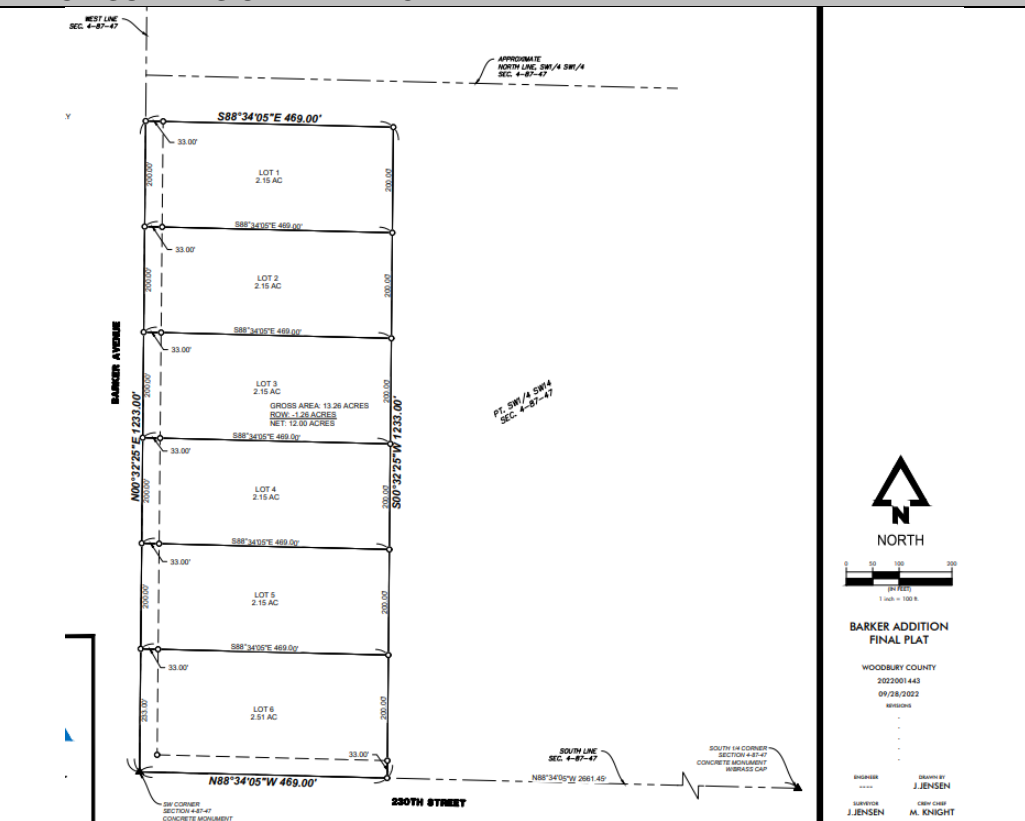
#### SUMMARY

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 (rezoning) on the property (Parcel #874704300003) as referenced above from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the purpose of establishing six residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2023 for the Zoning Commission's public hearing and is prepared for publication on March 2, 2023 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a February 10, 2023 letter about the February 27, 2023 Zoning Commission public hearing and have been requested to comment. As of February 22, 2023, 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 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. Following the February 27, 2023 public hearing at the Woodbury County Zoning Commission, the Zoning Commissioners voted 3-0 to recommend approval to the Board of Supervisors, the Zoning Ordinance Map Amendment (Rezoning) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on the portion of Parcel #874704300003 as proposed. Staff also recommends approval.

#### AERIAL MAP



#### MINOR SUBDIVISION PLAT EXCERPT



#### ZONING COMMISSION AND STAFF RECOMMENDATION

Following the February 27, 2023 public hearing at the Woodbury County Zoning Commission, the Zoning Commissioners voted 3-0 to recommend approval to the Board of Supervisors, the Zoning Ordinance Map Amendment (Rezoning) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on the portion of Parcel #874704300003 as proposed. Staff also recommends approval.

**Minutes - Woodbury County Zoning Commission Meeting – February 27, 2023**

The Zoning Commission (ZC) meeting convened on the 27th of February 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: Tom Bride, Corey Meister, Jeff O'Tool  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Dolf Ivener, Dan Bittinger

**Call to Order**

Vice Chair Tom Bride formally called the meeting to order at 6:00 PM.

**Public Comment on Matters Not on the Agenda**

None.

**Approval of Previous Meeting Minutes – November 28, 2022**

Motion by O'Tool to approve the minutes. Second: Meister. Motion approved 3-0.

**Election of Chair of Zoning Commission for 2023**

O'Tool nominated and motioned for Chris Zellmer Zant to serve as Chair. Second by Meister. Motion approved 3-0.

**Election of Vice Chair of Zoning Commission for 2023**

Meister nominated and motioned for Tom Bride to serve as Vice-Chair. Second by O'Tool. Motion approved 3-0.

**Public Hearing: Barker Addition, Minor Subdivision Proposal on Parcel #874704300003**

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 have filed for a six (6) lot minor subdivision. The proposal is being presented concurrently with a Zoning Ordinance Map Amendment (Rezone) from the Agricultural Perseveration (AP) Zoning District to the Agricultural Estates (AE) Zoning District. Both proposals have been properly noticed in the Sioux City Journal Legals Section on February 11, 2023. The neighbors within 1000 FT have been duly notified via a February 10, 2023, letter about the February 27, 2023, Zoning Commission Public Hearing. Appropriate stakeholders have been notified and 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 was waived by the City of Sergeant Bluff with the adoption of Resolution 23-01 on January 10, 2023. 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 Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval with the condition that the property owner sign pavement agreements for any future paving along Barker Avenue and 230<sup>th</sup> Street. The surveyor addressed the County Engineer's concerns regarding a typographical error on the plat. The change has been made and highlighted. Dolf Ivener stated one lot is in the path of a proposed future pipeline. Siouxland District Health will be involved with the placement of wells and septic systems and will require special systems if they are to be located in any floodplain area. The draft future floodplain map which will come out in approximately June 2024 shows the area will likely be removed from the floodplain. The Woodbury County Treasurer shows taxes due for the parcel; the final plat can't be recorder until taxes are paid. Ivener will bring them up to date. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 3-0. Motion to approve by O'Tool to recommend approval of the Barker Addition to Board of Supervisor's with condition a pavement agreement be signed for future grading and hard surfacing of Barker Avenue and 230<sup>th</sup> Street. Second: Meister. Motion approved 3-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) from AP to AE Proposal – Portion of Parcel #874704300003**

Priestley read the preliminary report and staff recommendation into the record. Dolf Ivener on behalf of Maxys Family Farm LLC and the Brian and Bonnie Ivener Trust have filed an application for a zoning ordinance map amendment (rezone) on property currently zoned Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District for the propose of establishing six residential lots through a concurrent minor subdivision application. This proposal has been properly noticed in the Sioux City Journals Legals Section on February 11, 2023. The neighbors within 1000 FT have been notified via a February 10, 2023, letter about the February 27, 2023, Zoning Commission public hearing and have been requested to comment. As of February 22, 2023, no comments or inquiries have been received. Appropriate stakeholders including government agencies, utilities and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the AE Zoning District. O'Tool inquired about the Corn Suitability Rating as part of the rezone consideration process. Priestley indicated that this is one of the several criteria for consideration of the rezone based on the general plan. The future land use map of the development plan is the key criteria for classifying rezones. Motion to close the public hearing Meister. Second: O'Tool. Motion approved 3-0. Motion to recommend acceptance and approval of the

zoning ordinance map amendment from the Agricultural Preservation (AP) to the Agricultural Estate (AE) Zoning District to the Woodbury County Board of Supervisors by Meister. Second O'Tool. Motion approved 3-0.

**Information/Discussion: Woodbury County Comprehensive Plan 2040 Update**

SIMPSCO is in the process of putting together the 2040 Plan, Zoning Commission Chair Chris Zeller Zan is part of the SIMPSCO steering committee for this process. The comprehensive plan is an ongoing process to identify goals for future land use and expansion for business, residential and commercial areas within the county. Cities within the county also have their own comprehensive plans, the goal is to work in harmony to present a plan that works together with the cities and rural areas. When completed, the plan will be presented to Zoning Commission and the Board of Supervisors along with be public meetings for input.

**Information/Discussion: The New woodburycountyiowa.gov Website**

Priestley offered information about the new Woodbury County website. Content on the website was discussed including the ability to sign up for notifications about public meetings.

**Public Comment on Matters Not on the Agenda**

Bride inquired about the city's ability to exercise zoning within 2 miles of their corporate boundaries. Priestley discussed extraterritorial review under subdivisions and noted that Iowa Code has subdividing and county zoning in separate chapters with separate parameters. City's have the authority under Iowa Code to place regulations on properties through subdivisions. In Woodbury County, the county regulates zoning outside of the corporate limits.

**Staff Update**

Priestley stated that the Board of Supervisors formally received the Zoning Commission's recommendation and final report on the draft pipeline ordinance (December 6, 2022).

**Adjourn**

Motion by O'Tool. Second: Meister. 3-0. The meeting adjourned at 7:08 PM.



Rezoning Application & Zoning Ordinance Map Amendment

<b>Owner Information:</b>		<b>Applicant Information:</b>	
Owner	<u>Maxys Family Farm LLC</u>	Applicant	<u>Dolf Ivener</u>
Address	<u>3701 Cheyenne Blvd</u> <u>Sioux City, IA 51104</u>	Address	<u>3400 Talbot Rd</u> <u>Sioux City, IA 51103</u>
Phone	<u>712-251-9967</u>	Phone	<u>712-251-9967</u>

Engineer/Surveyor Justin Jensen Phone 515-450-9199

**Property Information:**

Property Address or Address Range Sergeant Bluff, IA 51054 proposed legal desc. attached

Quarter/Quarter SW 1/4 SW 1/4 Sec 4 Twshp/Range 87-47

Parcel ID # 874704300003 or GIS # \_\_\_\_\_ Total Acres 13.26

Current Use AGRICULTURE Proposed Use RESIDENTIAL

Current Zoning AP Proposed Zoning AE

Average Crop Suitability Rating (submit NRCS Statement) 66.26 CSR2

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).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date \_\_\_\_\_ Staff present \_\_\_\_\_

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.

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.

Owner *Dolf Ivener* Applicant *Dolf Ivener*

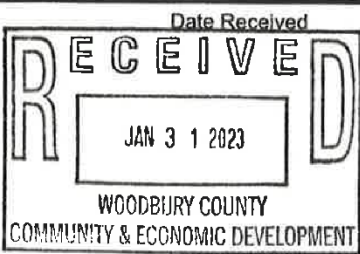
Date \_\_\_\_\_ Date \_\_\_\_\_

Fee: \$400 Case #: 6833

Check #: 84084

Receipt #: \_\_\_\_\_

*Maxys Family Farm LLC*  
*Brian and Bonnie Ivener Trust*



MEMBER RESOLUTION  
MAXYS FAMILY FARM, L.L.C.

Upon motion duly made and seconded, the following resolution was adopted:

**RESOLVED**, that the undersigned, being all the members of Maxys Family Farm, L.L.C., an Iowa limited liability company (the "Company") authorize member Dolf A. Ivener ("Dolf") to execute and deliver the plat of Barker Addition, Woodbury County, Iowa, ("Barker Subdivision") to the Woodbury County Recorder's Office. Said Barker Subdivision is a subdivision of the following legally described real estate:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THE SOUTH ONE THOUSAND TWO HUNDRED THIRTY-THREE FEET (1,233.00') OF THE WEST FOUR HUNDRED SIXTY-NINE FEET (469.00') OF SECTION FOUR, TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST.

DESCRIBED PARCEL CONTAINS 13.27 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT-OF-WAY.

**FURTHER RESOLVED**, that Dolf is hereby fully authorized for and on behalf of the Company to take any and all such action as he shall deem appropriate with regard to the establishment of Barker Subdivision, including but not limited to executing and delivering other documents and instruments from time to time.

The foregoing Resolution was approved on December 12, 2022, at a duly convened meeting of the Members of the Company. This Resolution may be executed in multiple counterparts, each of which shall be considered an original copy of the Resolution.

MEMBERS

  
Dolf A. Ivener

  
Sara-Lesa Ivener

  
Gina R. Bernstein