

**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:**

0

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

Yes  No

**RECOMMENDATION:**

Receive final report and Zoning Commission recommendation from their 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:	PROPERTY DETAILS:	TABLE OF CONTENTS:
<b>Owner(s):</b> Maxys Family Farm LLC; Brian & Bonnie Ivener Trust <b>Application Type:</b> Zoning Ordinance Map Amendment (Rezoning) <b>Current Zoning District:</b> Agricultural Preservation (AP) <b>Proposed Zoning District:</b> Agricultural Estates (AE) <b>Total Acres:</b> 13.26 Acres <b>Current Use:</b> Agriculture <b>Proposed Use:</b> Residential <b>Corn Suitability Rating(s):</b> 66.26 CSR2 <b>Pre-application Meeting:</b> None <b>Application Date:</b> 1/31/23 <b>Legal Notice Date:</b> 2/11/23 <b>Stakeholder (1000') Letter Date:</b> 2/10/23 <b>Zoning Commission Public Hearing Date:</b> 2/27/23 <b>Board of Supervisors Public Hearing Date(s):</b> 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.)	<b>Parcel(s):</b> 874704300003 <b>Township/Range:</b> T87N R47W (Liberty Township) <b>Section:</b> 4 <b>Quarter:</b> SW ¼ SW ¼ <b>Zoning District:</b> Agricultural Preservation (AP) <b>Floodplain District:</b> Zone A – General Floodplain <b>Address:</b> None	Summary, Aerial, Plat Excerpt & Recommendation Application Evaluation Criteria Legal Notification Adjacent Owners' Notification Stakeholder Comments Proposed Ordinance Language Supporting Documentation

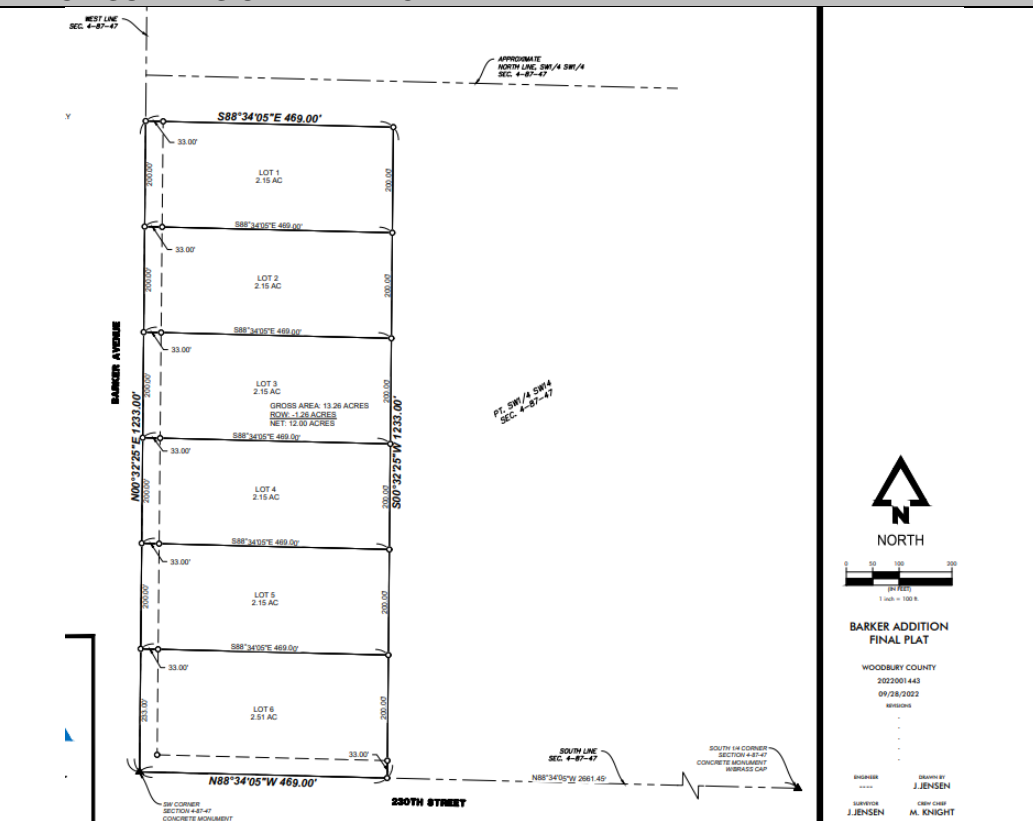
### SUMMARY

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

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 \_\_\_\_\_

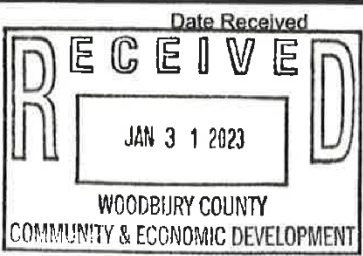
The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission 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

**ORDINANCE NO. \_\_\_\_**

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

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

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

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

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

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

**Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.**

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

\_\_\_\_\_  
**Matthew Ung, Chairman**

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

\_\_\_\_\_  
**Daniel Bittinger**

\_\_\_\_\_  
**Mark Nelson**

\_\_\_\_\_  
**Keith Radig**

Attest:

\_\_\_\_\_  
Patrick 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:
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## **ITEM ONE (1)**

Property Owner(s): Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

Petitioner Applicant(s): Dolf Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and 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, February 27, 2023, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 13.26-acres located on Parcel #874704300003 in the SW ¼ of the SW ¼ of Section 4, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is described as

**A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M., CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.26 ACRE OF ROAD RIGHT OF WAY.**

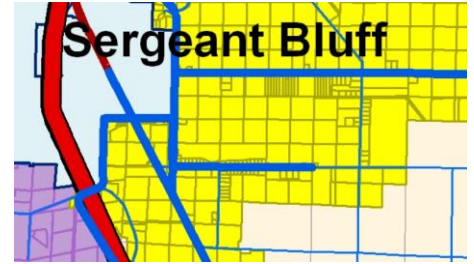
**EVALUATION CRITERIA**

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 66.26. 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	874704300003
Gross Acres	37.08
ROW Acres	0.00
Gross Taxable Acres	37.08
Exempt Acres	0.00
Net Taxable Acres	37.08 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	66.26 (2456.78 CSR2 Points / 37.08 Gross Taxable Acres)

Agland Active Config 2017 CSR2

**Sub Parcel Summary**

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	37.08	66.26	2,456.78	2,456.78
Non-Crop	0.00	0.00	0.00	0.00
<b>Total</b>	<b>37.08</b>		<b>2,456.78</b>	<b>2,456.78</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	14.34	1,089.84	1,089.84
100% Value	137	HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	3.43	246.96	246.96
100% Value	156	ALBATON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	58.00	19.31	1,119.98	1,119.98
<b>Total</b>				<b>37.08</b>	<b>2,456.78</b>	<b>2,456.78</b>

**Compatibility with adjacent land uses.**

The rezone to AE is compatible with the area residential uses. As the image below illustrates, Barker Avenue includes AE districts to the north of the property.



**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 than two houses to be located within the same quarter-quarter section.

**LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING**

The Public Hearing Legal Notification was published in the Sioux City Journal Legals Section on Saturday, February 11, 2023.

**\*\*\* Proof of Publication \*\*\***

STATE OF IOWA  
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY  
SIOUX CITY IA 51101

ORDER NUMBER 56254

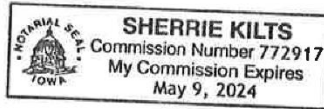
Subscribed and sworn before me in Sioux City, in said County,

this 13 day of February, 2023.

Micahene Graham

Sherrie Kilts Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 02/11/2023

TOTAL AD COST: 47.43

FILED ON: 2/13/2023

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) AND FOR A MINOR SUBDIVISION  
WOODBURY COUNTY ZONING COMMISSION  
The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on February 27, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)  
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Dolf Ivener on behalf of the Maxys Family Farm, L.L.C. and the Brian and Bonnie Ivener Trust.

The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 13.26-acres located on Parcel #874704-300003 in the SW 1/4 of the SW 1/4 of Section 4, T87N R47W (Liberty Township) in the County of Woodbury and State of Iowa. The property is described as:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5TH P.M. CITY OF SERGEANT BLUFF, WOODBURY COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1233.00 FEET OF THE WEST 469.00 FEET OF SECTION 4, TOWNSHIP 87 NORTH, RANGE 47 WEST. DESCRIBED PARCEL CONTAINS 13.26 ACRES INCLUDING 1.28 ACRE OF ROAD RIGHT OF WAY.

Owner(s)/Applicant(s): Dolf Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

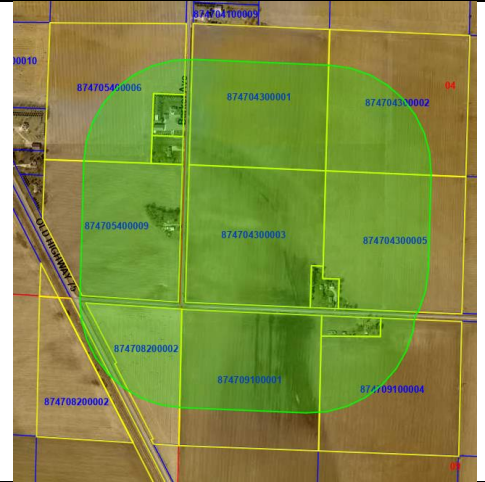
Item Two (2)  
PROPOSED MINOR SUBDIVISION: To be known as the Barker Addition, a six-lot minor subdivision in a 13.26-acre portion of Section 4, T87N R47W (Liberty Township) in the SW 1/4 of the SW 1/4 on Parcel #874704300003. The parent parcel is located about 0.5 miles east of Sergeant Bluff. The property is located in the Agricultural Preservation (AP) Zoning District. A portion of the property is located in the Special Flood Hazard Area (Zone A - Floodplain). Owner(s)/Applicant(s): Dolf Ivener on behalf of the Maxys Family Farm, L.L.C., 3400 Talbot Road, Sioux City, IA 51103, and the Brian and Bonnie Ivener Trust, 3701 Cheyenne Blvd., Sioux City, IA 51104.

**PROPERTY OWNER(S) NOTIFICATION – 1000 FEET**

The **nine (9)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **February 20, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **February 27, 2023**.

As of **March 2, 2023**, the Community and Development office has received the following 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.

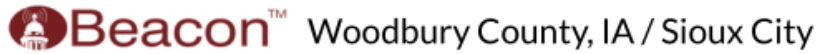


PROPERTY OWNER(S)	ADDRESS	CITY	STATE	ZIP	COMMENTS
Maxys Family Farm LLC & Brian and Bonnie Ivener Trust	3701 Cheyenne Blvd	Sioux City	IA	51104	No comments.
Todd M. Hostetler and Christina M. Hostetler	1419 230th St.	Sergeant Bluff	IA	51054	No comments.
Phillip Freiberg and Stephanie Freiberg	2266 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments.
Glenn J. Kasik and Teresa R. Kasik	2251 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Loren L. Schroeder and Pamel K. Schroeder	2277 Barker Ave.	Sergeant Bluff	IA	51054	No comments.
Carolyn Blighton	22 Sunnyview Drive	Suffield	CT	6078	No comments.
Union Pacific Railroad	1400 Douglas STOP 1640	Omaha	NE	68179-1640	No comments.
Brian Krogh and Aimee Krogh	2381 Port Neal Road	Sergeant Bluff	IA	51054	No comments.
Mark S. Godfredson	2359 Barker Ave.	Sergeant Bluff	IA	511054	No comments.

**STAKEHOLDER COMMENTS**

<b>911 COMMUNICATIONS CENTER:</b>	No comments.
<b>CITY OF SERGEANT BLUFF:</b>	Extraterritorial Review of Subdivision Waived.
<b>FARMERS DRAINAGE DISTRICT:</b>	No comments.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	No comments.
<b>LONGLINES:</b>	No comments.
<b>LUMEN:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	No comments.
<b>MIDAMERICAN ENERGY COMPANY (Electrical Division):</b>	I have review the following proposed rezoning for MEC electric. We have no conflicts, but the developer should be aware that the proposed subdivision is not in MEC service territory. Let me know if you have any questions and have a great weekend! – Casey Meinen, 2/2/23.
<b>MIDAMERICAN ENERGY COMPANY (Gas Division):</b>	No conflicts for MEC "gas" either. – Tyler Ahlquist, 2/2/23.
<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, 2/8/23.
<b>NUSTAR PIPELINE:</b>	NuStar does not have any issues with the request. – Matt McGee, 2/14/23.
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	First off, I wanted to inform you that Paige is no longer with SDHD. At this time, all calls/emails/questions can be directed to myself. Second, after review of this rezoning, our Department would like acknowledge that due to the parcel located in a Flood Plain and previous on-site septic installations they will need to be aware that it is likely that either an oversized soil based system or an alternative system will be required for each property. This may affect the lot sizes with the installation of a private well. Thanks and please call with any questions. – Ivy Bremer, 2/6/23.
<b>UNION PACIFIC RAILROAD:</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>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	No comments on the rezone.
<b>WOODBURY COUNTY RECORDER:</b>	I see no issues. – Diane Swoboda Peterson, 2/3/23.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	No comments.
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:</b>	The WCSWCD has no comments on this proposal. – Neil Stockfleth, 2/3/23.
<b>WOODBURY COUNTY TREASURER:</b>	The taxes are not current. There is \$592.00 owed for the March 2023 payment. – Kimberlee Koepke, 2/2/23.

# PARCEL REPORT



## Summary

Parcel ID 874704300003  
Alternate ID 767055  
Property Address N/A  
Sec/Twp/Rng 4-87-47  
Brief Tax Description EX 1 A IN SE COR SW SW 4-87-47  
(Note: Not to be used on legal documents)  
Deed Book/Page 2021-06042 (5/6/2021)  
Gross Acres 37.08  
Net Acres 37.08  
Adjusted CSR Pts 2456.78  
Zoning AP - AGRICULTURAL PRESERVATION  
District 0038 LIBERTY/SB/L  
School District SGT BLUFF LUTON  
Neighborhood N/A

## Owner

Deed Holder  
Maxys Family Farm LLC  
3701 Cheyenne Blvd  
Sioux City IA 51104

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

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

## Land

Lot Area 37.08 Acres : 1,615,205 SF

## 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	IVNER MAX & FRANCYS FAMILY TRUST	MAXY FAMILY FARM LLC	2021-03169	Normal	Deed	Y	\$2,568,000.00

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	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$62,540	\$62,540	\$59,130	\$59,130	\$85,570

## Sioux City Special Assessments and Fees

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

## Woodbury County Tax Credit Applications

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

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Photos, Sketches.

**Beacon™** Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- County Zoning
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID	874704300003	Alternate ID	767055	Owner Address	MAXYS FAMILY FARM LLC
Sec/Twp/Rng	4-87-47	Class	A		3701 CHEYENNE BLVD
Property Address		Acreage	37.08		SIOUX CITY, IA 51104
District	0038				
Brief Tax Description	EX 1 A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

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 GEOSPATIAL

**Beacon™** Woodbury County, IA / Sioux City



Overview



Legend

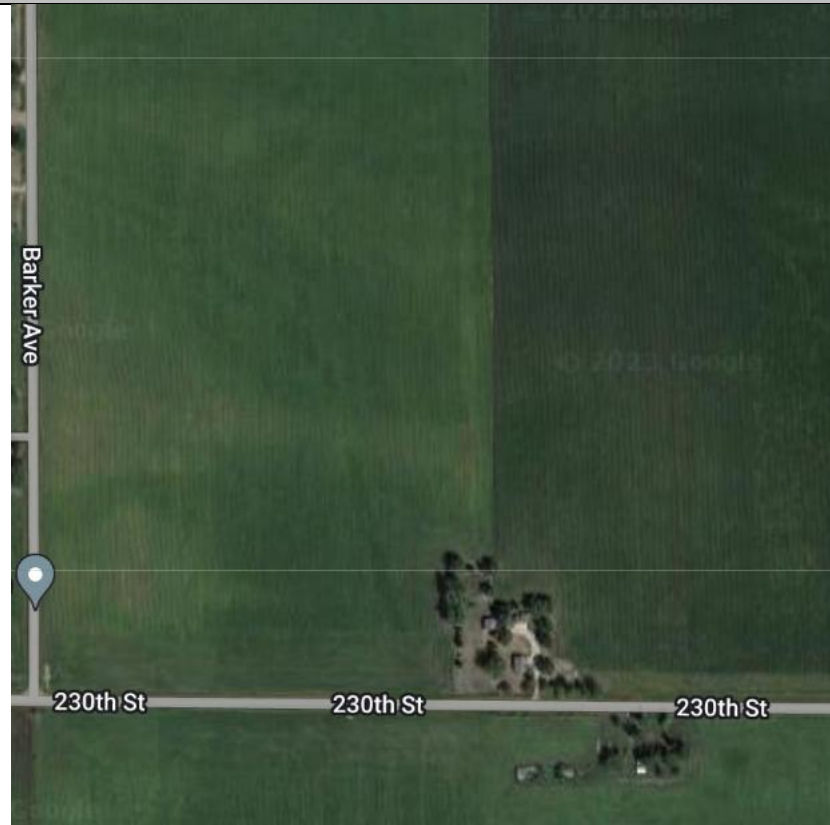
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- FEMA Flood Map**
- A,
- AE,
- AE, FLOODWAY
- AH,
- AO,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

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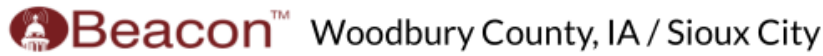
FLOODPLAIN REPORT – DRAFT MAP



<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>



# SOIL REPORT



## Summary

Parcel ID	874704300003
Gross Acres	37.08
ROW Acres	0.00
Gross Taxable Acres	37.08
Exempt Acres	0.00
Net Taxable Acres	37.08 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	66.26 (2456.78 CSR2 Points / 37.08 Gross Taxable Acres)

Agland Active Config 2017 CSR2

## Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	37.08	66.26	2,456.78	2,456.78
Non-Crop	0.00	0.00	0.00	0.00
<b>Total</b>	<b>37.08</b>		<b>2,456.78</b>	<b>2,456.78</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	14.34	1,089.84	1,089.84
100% Value	137	HAYNIE SILT LOAM, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	72.00	3.43	246.96	246.96
100% Value	156	ALBATON SILTY CLAY, 0 TO 2 PERCENT SLOPES, RARELY FLOODED	58.00	19.31	1,119.98	1,119.98
<b>Total</b>				<b>37.08</b>	<b>2,456.78</b>	<b>2,456.78</b>

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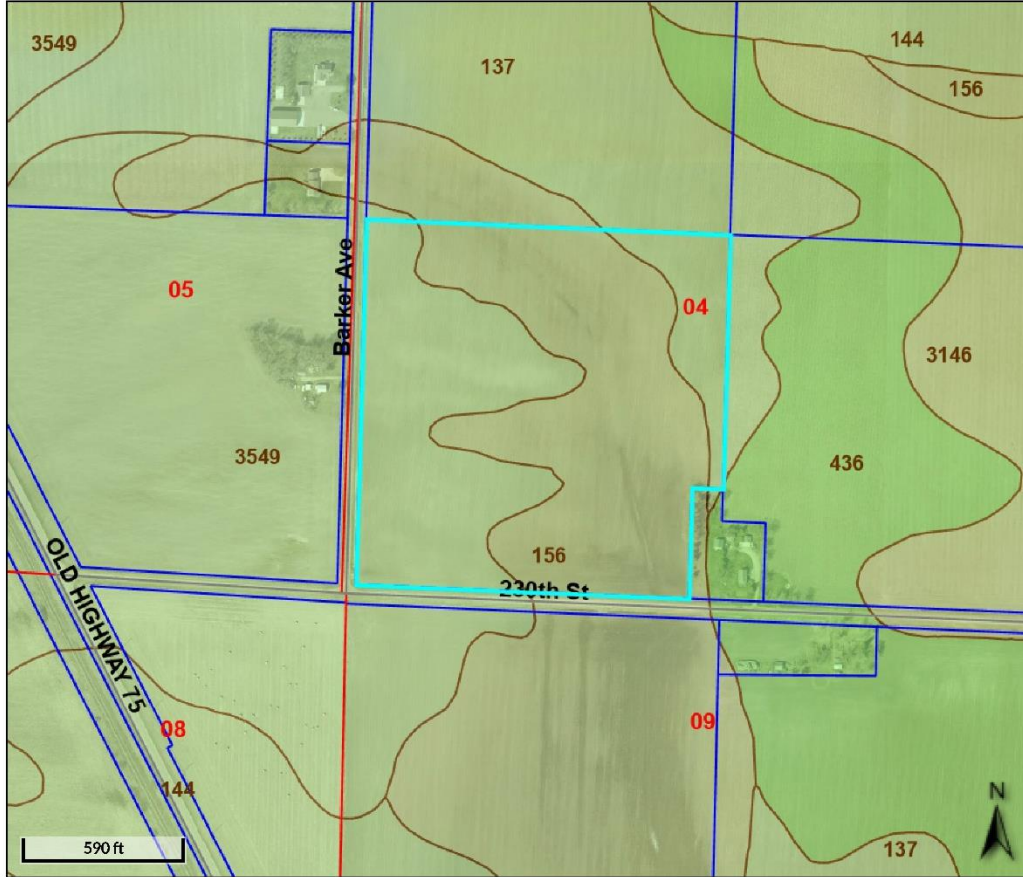
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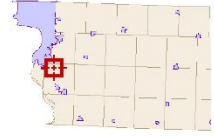
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SOIL MAP

 **Beacon**<sup>TM</sup> Woodbury County, IA / Sioux City



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
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District	0038				
Brief Tax Description	EX 1 A IN SE COR SW SW 4-87-47				
	(Note: Not to be used on legal documents)				

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