

Minutes - Woodbury County Zoning Commission Meeting April 25, 2016

The meeting convened on the 25th of April, 2016 at 6:00 PM in the Board of Supervisor's meeting room on the first floor of the Court House, Downtown, Sioux City, Iowa. Present were the following Commission members – Tom Bride, Bruce Garbe, David McWilliams, and Christine Zelmer Zant. Barbara Parker was not present. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Sandy Heilman, Hugh Heilman, and Jenna Wilson.

The next agenda Item is any citizen wishing to be heard on a non-agenda matter.

There were no citizens wanting to be heard on a non-agenda item.

The next agenda item is the approval of minutes from the Commission's February 22, 2016 meeting.

Christine Zellmer Zant made a motion to approve the February 22nd minutes. Tom Bride seconded the motion; motion carried 4-0.

The next agenda item is review of the 2016 Amendment to the Liberty Park Urban renewal Area and to authorize your Chairman to execute a letter providing your recommendation to the Board of Supervisors. The letter is to provide your recommendation as to whether or not the 2016 Amendment conforms to, or is consistent with, the County's 2005 General Development Plan.

Iowa Code Section 403.5 requires a county's Zoning Commission review the proposed adoption of any urban renewal area determining if the area is consistent and conforms to the County's development plan. The Commission then must make written comment to its Board of Supervisors of its findings.

Woodbury County's has previously entered into a development agreement for a business operating within the Port Neal Industrial Complex. A component of the development agreement, and subsequent amendments thereto, included the county providing certain infrastructure improvements or benefits within the complex or the surrounding area. The County; then wishing to recoup the cost of those improvements through tax increment financing (TIF); adopted an Urban Renewal Plan and in early 2013 established an Urban Renewal Area.

The Urban Renewal Area was amended in early 2014 (Amendment #1) to include additional geographic area including: additional area within the Port Neal Industrial Complex; additional area adjacent to the northwestern quadrant of the I-29 interchange at 260th St. and adding 260th St. right of way connecting the two locations.

Woodbury County now wishes to amend the Urban Renewal Plan (Amendment #2) to:

1. Change the name of the Urban Renewal Area to *Grow Woodbury County Urban Renewal Area*.
2. Amend the Urban Renewal Area by adding a portion of all of 15 parcels representing 327 acres. The parcels are positioned at two locations legally described within exhibits A and B of the 2016 amendment document. The areas are also represented by color coding on McClure Engineering mapping provided.

It should be noted parcels representing 143 of the 327 acres are located within the City of Sergeant Bluff with the remaining 184 acres within in 3 rural Woodbury County parcels. The 3 rural Woodbury County parcels are zoned GI (General Industrial) and include the industrial business operations of Anderson, Inc. (the former Nulex plant), Koch Nitrogen Company and Ag Processing, Inc.

The proposed new debt to be incurred in the Urban Renewal Area as a result of this amendment is \$2,580,122. All Woodbury County property owners for which consents are required for inclusion within the 2016 Plan Amendment have provided written consent.

All County parcels have congruent GI (General Industrial) zoning district designations. Portions of the 3 county parcels lay within a Zone A special flood hazard area (SFHA) commonly referred to as the 100 year flood plain.

Access/egress to the amended urban renewal area will be provided from existing or improved public roadway right-of-way. Portions of Union Pacific Railroad spur right-of way lay adjacent to, or in proximity to, the 3 county parcels to be included within the 2016 Amendment.

For Commission review find attached the following:

1. Site location mapping
2. Aerials indicating location of the 3 impacted county parcels
3. Aerial indicating floodplain designation
4. Aerial indicating zoning district designation
5. A copy of the proposed 2016 Urban Renewal Plan Amendment
6. A copy of Woodbury County General Development Plan-Adopted 2005

Staff Recommendation:

Staff is of the opinion the 2016 Amendment to the Liberty Park Urban Renewal Plan conforms to, or is consistent with, the County’s 2005 General Development Plan for the following reasons:

The 2016 Amendment to the Liberty Park Urban Renewal Plan is consistent and conforms with the County’s Vision Statement which states: “...all people and business prosper, rooted in a diverse, agriculturally-based economy.”

The 2016 Amendment to the Liberty Park Urban Renewal Plan is consistent and conforms to the Development Plan’s stated goals in each of the following areas:

Land Use Goal – In order to minimize conflict with agriculture, which is the principal land use in Woodbury County, guide future growth and development of non-agricultural uses to a compact pattern by efficient and economical expansion of public infrastructure.

Economic Development Goal – In cooperation with other communities, Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy. Current or planned construction projects on the county’s parcels proposed for addition to the Urban Renewal Area valued at approximately \$200,000,000.

Agricultural Goal – Recognize agriculture as a principal economic sector in Woodbury County and the primary economic sector in the rural portion of the county lying outside Sioux City based on the natural resource of fertile, tillable soil to be found in Woodbury County. All 3 of the proposed county parcels to be added to the Urban Renewal Area are used to manufacture or store products crucial to the local and regional agricultural economy.

Commercial and Industrial Business Goal – Woodbury County shall build upon the strength of agriculture as the most important business in its rural area and shall encourage compatible commercial and industrial business development to develop a diverse, strong economic future in the rural portion of the county.

Transportation Goal – Woodbury County shall develop and support an efficient transportation system to serve current and future circulation and access needs. Specifically to:

Encourage frontage roads for safe access and to maintain traffic carrying capacity of the roads for development along major roads and highways; and

To continue working with the Iowa Department of Transportation via the County Engineer and public input to upgrade highways in and through the County by either resurfacing or widening of existing state or County Highways.

For the above reasons staff recommends you support a finding that the proposed 2016 Amendment to the Liberty Park Urban Renewal Plan conforms to, or is consistent with, the County's 2005 General Development Plan.

You are asked to review this information; voting on agenda item approval; and including authorization of your Chairman to provide the appropriate written report of your findings to the Woodbury County Board of Supervisors as subscribed by Iowa Code Section 403.5.

Comments:

There were no comments from the attending public. All public input had been noted in previous meetings regarding urban renewal.

Bruce Garbe made a motion to approve the urban renewal as currently defined and authorize a letter signed by the zoning commission chairman to the Board of Supervisors. Tom Bride seconded the motion; motion carried 4-0.

The next agenda item was the Zoning Ordinance Section 2.02:9.E. Review and Recommendations to the Board of Adjustment for Conditional Use Permit Application by Property Owners Hugh Brian Heilman/Sandra Heilman and Applicant K&L Construction, Inc. Re: The Staging and Operation of earthen resource extraction – borrow pit; GIS Parcels #8747 30 400 008 and #8747 30 400 007.

On March 18, 2016 the property owners and applicant submitted a Conditional Use Permit (CUP) application with the Planning and Zoning Office. The applicant is a limited liability corporation under the control of the Kevin Alexander family. The family also controls K&L Contracting, Inc. (K&L).

K&L Contracting attempts to find borrow material at locations meeting approved soil specifications; in required quantities and in proximity to the borrow delivery locations. Haul road availability, road specifications and route distances between the borrow area(s) and delivery location(s) are also criteria for selecting any suitable borrow location.

The applicant wishes to stage and operate a borrow pit within portions of two rural congruent Woodbury county parcels. The Combined area of the two parcels is 38.61 acres and is zoned GI (General Industrial). The GI zoning district allows the applied for use conditionally requiring a conditional use permit be approved by the Woodbury County Board of Adjustment.

The location of the proposed borrow pit lies within the SE ¼, SE ¼, Section 30, Liberty Township. The two parcels are located on the west side of hard surfaced Port Neal Roadth St. approximately 3.5 miles south of Sioux City and 0.75 miles south of 260th St.

The application provides for the removal of up to 79,543cubic yards or 97,500 tons of earthen material; Said material removal to result in a single 3.2 acre retention pond approximately 15 feet deep on the Hugh Brian Heilman parcel. The decommissioning of any approved borrow operations is currently unknown but will be no later than November of 2017.

The two parcels have an Average Corn Suitability Ratings range of 52.77 to 53.33.

The application provides for the following 3.7 mile haul route: South on Port Neal Road; East on 280th St. to 275th St.; East on 275th St. to the I-29 corridor at the Salix Interchange.

The parcels are serviced by the two addressed drives of 2683 and 2695 Port Neal Road and by multiple field entrances. A portion of a drive from Port Neal Road right-of-way to the borrow area will be through property owned by Sandra J. Heilman.

The area congruent to the projects two parcel is zoned:

- GI (General Industrial) to the north, west and south; and
- AP (Agricultural Preservation) to the west.

The use as a borrow area is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of - *Resource Extraction: Borrow Pits for earth materials*

This use is approved as a conditionally permitted use in selected zoning districts. The use as a borrow pit for earth materials is only allowed as a conditionally permitted use (CUP) within the AP and GI (General Industrial) zoning districts. The table further prohibits the requested conditional use in all the county's other zoning districts.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances further require your Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. By ordinance your recommendation is limited to a determination if each of the below standards found within ordinance subsection 2.02-9.F will be met. Those standards are as follows:

Section 2.02-9.F

a) *In order to grant a conditional use the Board of Adjustment must determine that:*

- (a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied. (Conditions are satisfied for GI zoned property)*
 - (b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. (Earthen materials used for I-29 corridor meets standards. It also meets transportation goals, objectives and standards of the general plan.)*
 - (c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Borrow operations tend to have negative impact, but not in this case. No negative responses from neighbors. Improvements have already been made to haul roads. Notify IDOT regarding changes in traffic from interstate with campers mixed with haul trucks.)*
 - (d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Property owners will be impacted by the pond by adding marketing value to their property. They may need to alert FAA concerning the pond creating a wildlife draw.)*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development. (Roadway systems are already designed for speed, weight, and traffic.)*
 - (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (There are already significant campgrounds, natural areas, and waterways. Retention pond should not interfere with natural areas.)*
- b) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
- a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community. (The borrow is critical to economic development due to the improved transportation for tourists and surrounding communities.)*
 - b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development. (Heilman's are comfortable with the visual appeal now and will be after the borrow pit is created.)*

The attached documentation provides additional information related to the Alexson, LLC conditional use permit application: *(Bold items pertinent)*

- A. **The Conditional Use Permit Application**
- B. Site Plan with Retention Pond

- C. Location within Woodbury Township TAM Mapping
- D. Aerial Mapping
- E. Parcel Information for Parcels GIS #8747 30 400 008 and #8747 30 400 007
- F. Area's Zoning District Mapping**
- G. The Areas Flood Plain Mapping**
- H. Soil Survey Summary Mapping and Corn Suitability Rating Verification
- I. Mapping of the applied for haul route.**
- J. On site photos of the location

Please note that within item A above the applicant has responded to each of the standards listed within ordinance subsection 2.02-9.F.

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment. (All standards will or can be met.)

(It was also agreed that a copy of the recommendation to the Board of Adjustment would be forwarded to Rick Schneider. This will hopefully aid in monitoring tourist traffic in the park areas while the project trucks are moving over the haul roads.)

Comments:

There were no comments from agencies or from the County Engineer for the driveway. There were no comments from any neighbors.

Mr. Pylelo commented this borrow situation was ideal because it is zoned right.

A motion was made by Ms. Zellmer Zant to approve the staging and operation of earthen resource extraction – borrow pit; GIS Parcels #8747 30 400 008 and #8747 30 400 007, and authorize a letter signed by the zoning commission chairman to the Board of Supervisors. The motion was seconded by Tom Bride; motion carried 4-0.

The next agenda item was any citizen not on the agenda wishing to be heard.

There were no citizens wanting to be heard on a non-agenda item.

Ms. Zellmer Zant made a motion to adjourn the meeting at 6:57 PM; the motion was seconded by Bruce Garbe and carried 4-0.

Next meeting will be 6:00 PM Monday, June 27, 2016.