

Minutes - Woodbury County Zoning Commission Meeting August 22, 2016

The meeting convened on the 22nd of July, 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, David McWilliams, Bruce Garbe, Christine Zellmer Zant, and Barbara Parker. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Jared McGrew from Manatts, Ryan Ross, attorney for Eisenhauer, and Larry Eisenhauer.

The first Agenda Item is Any Citizen Not on the Agenda Wishing to be Heard.

The Zoning Office is not aware of anyone to be heard on a non-agenda item.

The next agenda item is the approval of minutes from the Commission's July 25, 2016 meeting.

Mrs. Zelmer Zant made a motion to approve the July 25, 2016 meeting minutes subject to correcting the second motion on page 4 from "Mr. Bride" to "Mrs. Zellmer Zant."

Mrs. Parker seconded the motion; motion carried 5-0.

The next Agenda Item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for Conditional Use Permit Application by Property Owner - The State of Iowa and Applicant - Manatt's, Inc. Re: The Staging and Operation of a Temporary Concrete Mixing Batch Plant; GIS Parcel 894234100012. Application Background, Location and Zoning.

The property owner, The State of Iowa, and the applicant, Manatt's Inc. of Brooklyn, Iowa wish to stage and operate a temporary concrete batch plant within the 6.45 acre portion of the referenced parcel. The batch plant's operations will provide concrete for a 4 mile segment of the Hwy 20 corridor expansion project. The site will be returned to its original pre-production state. It is anticipated the batch plant will be active through the 2017 construction season with decommissioning of the site anticipated to occur no later than December 31, 2017.

The impacted parcel is located within a portion of the SE ¼ of the NW ¼ of Section 34 of Union Township near Correctionville. The site abuts the west side of L36 and the north side of Hwy 20.

The rock component for the concrete will originate from LG Everest's Crocker Pit near the Plymouth/Woodbury county line and will be transported to the site on Hwy 31. The sand component for the concrete will originate from Hallet Material's Anthon Pit and will also be transported along Hwy 31. The anticipated mixed concrete haul route would impact less than a 0.1 mile segment of L36 from the batch plant location before reaching the Hwy 20 corridor.

The project will require 40,000y³ of concrete equating to 36,000 tons of rock and 26,000 tons of sand. Half of the input materials and the finished concrete will be hauled in 2016; the remaining half in 2017.

The site plan provides for multiple driveway installations along L36 and a single driveway location on Hwy 20.

Woodbury County zoning ordinance (Section 3.03:4 - Page 37) provides that *Temporary heavy construction services- Concrete mixing (temporary)* requires CUP approval by the county's Board of Adjustment with Section 2.02:9.F standard review and recommendation by the Zoning Commission.

The parcel is zoned AP (Agricultural Preservation) which allows the applied for conditional use. The parcel does not lie within any rural drainage district. The entire 6.45 acre site is located in within a zone AE special flood hazard area known as the 100 year flood plain. A flood plain development permit application will be required.

The average corn suitability rating (CSR2) for parcel is not available. However, the CSR2 for adjacent parcels to the west and south range from 51.38 to 69.92.

Find attached the following documentation to assist in your review:

- Woodbury Township TAM Mapping showing location
- The CUP application
- Aerial with drive locations and site plan dimensions
- Photos of similar Manatts' Concrete Batch Plant (2)
- Aerial with structure placement locations
- Beacon Parcel Information with Site Plan location noted
- Pictometry Aerial with elevation contours
- Beacon Parcel Information
- Aerial Mapping of parcel with Zoning Layer
- Aerial Mapping of parcel with Soil Type Layer
- Aerial Mapping of parcel with Flood Plain Layer

Staff Recommendation:

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met.

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.

Discussion:

After a brief discussion the commission decided the standards could be met and made the following recommendations to the Board of Adjustment;

Item #3 Manatts/State of Iowa

- All truck loads covered
- Safety along haul routes used to access parks and recreational areas
- Mitigate long term impact to site
- Protect nearby water source

Mr. Bride made a motion to approve Item #3 subject to Chairman McWilliams signing a letter making the following standard recommendations;

- **All truck loads covered**
- **Safety along haul routes used to access parks and recreational areas**
- **Mitigate long term impact to site**
- **Protect nearby water source**

Mrs. Zellmer Zant seconded the motion; motion carried 5-0.

The next Agenda Item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for Conditional Use Permit Application by Property Owners - Stoney and Marcia Cobb and Applicant Manatt's, Inc. – Re: The Staging and Operation of a Temporary Concrete Mixing Batch Plant; GIS Parcel #894235100008.

Property owners Stoney and Marcia Cobb propose to lease a 400' by 400' site to Manatt's, Inc. of Brooklyn, Iowa. Manatt's Inc. wishes to stage and operate a temporary concrete batch plant within the 3.67 acre portion of the 33.75 acre parcel. Batch plant operations are intended to provide concrete for a 4 mile segment of the Hwy 20 corridor expansion project. The site will be returned to its original pre-production state. It is anticipated the batch plant will be active through the 2017 construction season with decommissioning of the site anticipated to occur no later than December 31, 2017.

The impacted parcel is located within a portion of the NE ¼ of the NW ¼ of Section 35, Union Township and approximately 1,600' northeast of Correctionville. The site abuts the north side of Hwy 31 approximately 325 to 725 feet east of the driveway addressed 1549 Hwy 31, Correctionville, Iowa. Gravel earthen material will be hauled to the batch plant from Hallet Material gravel pit location in the Anthon area and from the LG Everest pit near the Woodbury/Plymouth county line. The anticipated mixed concrete haul route would impact a 0.8 mile segment of Hwy 31 before reaching the Hwy 20 corridor.

The rock component for the concrete will originate from LG Everest's Crocker Pit near the Plymouth/Woodbury county line and will be transported to the site on Hwy 31. The sand component for the concrete will originate from Hallet Material's Anthon Pit and will also be transported along Hwy 31. The anticipated mixed concrete haul route would impact less than a 0.1 mile segment of L36 from the batch plant location before reaching the Hwy 20 corridor.

The project will require 40,000y³ of concrete equating to 36,000 tons of rock and 26,000 tons of sand. Half of the input materials and the finished concrete will be hauled in 2016; the remaining half in 2017.

The site plan provides for multiple driveway installations the north side of Hwy 31.

Woodbury County zoning ordinance (Section 3.03:4 - Page 37) provides that *Temporary heavy construction services- Concrete mixing (temporary)* requires CUP approval by the county's Board of Adjustment with Section 2.02:9.F standard review and recommendation by the Zoning Commission.

The parcel is zoned AP (Agricultural Preservation) which allows the applied for conditional use. The parcel does not lie within any rural drainage district. A portion of the 3.67 acre site is located in within a Zone A

special flood hazard area known as the 100 year flood plain. A flood plain development permit will be required.

The average corn suitability rating (CSR2) for the parcel is 42.67.

Find attached the following documentation to assist in your review:

- Woodbury Township TAM Mapping showing location within Township
- The CUP application
- Aerial with drive locations and site plan dimensions
- Photos of similar Manatts' Concrete Batch Plant (2)
- Beacon Aerial
- Beacon Parcel Information
- Pictometry Aerial with elevation contours
- Aerial Mapping of parcel with Zoning Layer
- Aerial Mapping of parcel with Soil Type Layer
- CSR2 Verification
- Aerial Mapping of parcel with Flood Plain Layer

Staff Recommendation:

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met.

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.

Discussion:

After a brief discussion the commission decided the standards could be met and made the following recommendations to the Board of Adjustment;

Item #4 Manatts/Cobb

- All truck loads covered
- Safety along haul routes used to access parks and recreational areas
- Mitigate long term impact to site
- Protect nearby water source
- Mitigate on site fugitive dust

Mr. Garbe made a motion to approve Item #4 subject to Chairman McWilliams signing a letter making the following standard recommendations;

- **All truck loads covered**
- **Safety along haul routes used to access parks and recreational areas**
- **Mitigate long term impact to site**
- **Protect nearby water source**
- **Mitigate on site fugitive dust**

Mrs. Zellmer Zant seconded the motion; motion carried 5-0.

The next Agenda Item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for Conditional Use Permit Application by Applicant and Property Owner Larry Eisenhauer Re: Conditional Use Permit for the Staging and Operation of Waste Processing and Transfer - Waste Composting; GIS Parcel #874719200009.

Property owner, Larry Eisenhauer, filed a Conditional Use Permit (CUP) application with Woodbury County, Iowa requesting the permanent staging and operation of a Waste Composting Facility

The application proposes a business use including the storage of tree waste with periodic conversion of the tree waste to wood chips. The wood chips will subsequently be removed from the parcel and marketed as livestock bedding.

Woodbury County zoning ordinance (Section 3.03:4 - Page 38) provides that Waste Processing and Transfer – Waste Composting requires CUP approval by the county’s Board of Adjustment with Section 2.02:9.F standard review and recommendation by the Zoning Commission.

The location of the requested conditional use is within a portion of portions of a 98.7 acre parcel within the Northeast quarter of Section 19 of Liberty Township, Woodbury County, Iowa. The driveway currently servicing the parcel provides access from the north side of 255th St. which is a hard surfaced, county maintained roadway. Eisenhauer has conveyed an easement to CF Industries (CF) along the southern perimeter of the parcel. CF has constructed a rail spur within the easement area which provides permanent rail access to the company’s Port Neal Industrial Complex facilities. The terms of the easement agreement allows Eisenhauer permanent access and egress through the easement area including the crossing of the rail spur to access the remainder of the Eisenhauer parcel to the north.

The referenced parcel is zoned GI (General Industrial) which allows the applied for use to be conditionally permitted. The parcel does not lie within any rural drainage district put a significant portion of the parcel is located within a Zone AE special flood hazard area (SFHA) more commonly referred to as the 100 year flood plain. Minor portions of the parcel are within the 500 year flood plain.

Areas within the parcel are the former location of business operations of Mid-America Tanning (MAT); a now abandoned and demolished animal hide processing plant on the parcel. The tanning facility was owned by various entities prior to MAT. Tanning operations included the fleshing, curing and trimming of animal hides. In 1989, due to elevated metal concentrations in the ground water, the Environmental Protection Agency placed the site on its National Priorities List. Remediation procedures included the immobilization of densely-contaminated sediments in the east and west aeration lagoons and in the northeast field; and the placement of soil-clay caps over the less densely-contaminated source areas.

The site plan does not provide for the conditional use within any area with a 100 year flood plain designation; areas within those areas determined to contain contaminated sediments or contaminated source areas. A request for comment from the Iowa Department of Natural Resources has been requested.

The parcel has been the location of previous Woodbury County and Iowa Department of Natural Resources (IDNR) violations. On October 30, 2013 the Iowa Department of Natural Resources issued the applicant Administrative Order No. 2013-AG-28 and No. 2013-SW-24. The order included restrictions on open burning, the removal of solid waste and the payment of administrative penalties.

Chapter 105 of the Iowa Code defines *Organic Materials Composting Facilities*. The applicant legal counsel has stated the applicant's intent to apply for any state required permitting for the applied for use.

Find attached the following documentation to assist in your review:

- Woodbury Township TAM Mapping showing location within Township
- The CUP application including Business Plan
- Beacon Aerial with ROW Designations
- Beacon Parcel Information
- Aerial Mapping of parcel with Zoning Layer
- Aerial Mapping of parcel with Flood Plain Layer
- A copy of IDNR Administrative Order No. 2013-AQ-28 and No. 2013-SW-24
- A copy of Chapter 105 of the Iowa Code
- Parcel Site Plan Drawing by MLS & Assoc., P.L.C. (24" by 32")
- Parcel Site Plan Drawing with contours (11" by 17")

Discussion:

After a brief discussion the commission decided the standards could be met and made the following recommendations to the Board of Adjustment;

Item #5 Eisenhower

- Mitigate any combustion of inputs and finished product
- Secure loads in and out
- Provide for site security and lighting
- Permit subject to implementation of all DNR recommendations/conditions
- Applicant to obtain and keep in force all required Federal, state and local permitting.

Mrs. Parker made a motion to approve Item #5 subject to Chairman McWilliams signing a letter making the following standard recommendations;

- **Mitigate any combustion of inputs and finished product**
- **Secure loads in and out**
- **Provide for site security and lighting**
- **Permit subject to implementation of all DNR recommendations/conditions**
- **Applicant to obtain and keep in force all required Federal, state and local permitting.**

Mr. Garbe seconded the motion; motion carried 5-0.

Any Citizen Wishing to be Heard.

The Office of Planning and Zoning is not aware of any citizen to be heard on any non-agenda item.

Mr. Garbe made a motion to adjourn. Mrs. Zellmer Zant seconded the motion; motion carried 5-0. Meeting was adjourned at 8:15 PM.