

Minutes - Woodbury County Zoning Commission Meeting June 26, 2017

The meeting convened on the 26nd of June, 2017 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, Shawn Streck, Christine Zellmer Zant, Bruce Garbe, Barb Parker was absent. Zoning Staff Present: John Pylelo, Peggy Napier and Dawn Norton. Present from the public were Duane Reeder, Bob Weatherly, Rhonda Reeder, Susan Gregg, Phillip Gregg, Walter Reinholdt, Kevin Milles, Rich Lieber, Deb Lieber, Donna & Wilbur Lieber, JoAnn Carlson, Chris DeRocher, Randy Riediger, Terry Riediger, William Tjeerdsma, Lori Williams and Keith Radig.

1. The 1st agenda item is hearing any person not on any non-agenda item.

None were heard.

2. The 2nd agenda item is approval of the minutes from the Commission's April 24, 2017 meeting.

Tom Bride made a motion to approve the minutes subject to correction on page two, regarding 'Property Owner Notice'. Changed *none* to *nine.*, **Shawn Streck seconded the motion; motion carried 4 – 0.**

3. The 3rd agenda item is a Public Hearing and Recommendation to the Board of Supervisors Re: CDR Swine Addition - a Minor Subdivision; GIS Parcel #894507100006.

Application Background, Location and Zoning

Property owners Randy A. and Cindy L. Riediger have filed a subdivision application with Woodbury County to have a 24.78-acre parcel subdivided into two (2) lots. The platting will result in a 1.71-acre lot for concentrated animal feeding operation (CAFO) development. The platting shows this lot to be 362' by 239' with the placement of a 102' by 159' hog barn structure. The hog barn will be set back 170' south of Hwy D12's centerline.

The second 23.07-acre lot is intended to remain in agricultural production. No residential development is planned on this lot.

The parent parcel lies within rural Woodbury County east of Hwy D12's intersection with Delaware Avenue and on the south side of the highway. The location is within a portion of the NW ¼ of the NW ¼ of Section 7 in Banner Township. The parent parcel is zoned AP (Agricultural Preservation) with the current and proposed uses permitted under the AP zoning designation. The parcel is not within a special flood hazard area or drainage district. The parcel is currently serviced by an un-addressed field entrance. A new driveway placement will be in a yet undetermined lot frontage area located approximately 1,000' to 1,250' east of the intersection of Hwy D12 and Delaware Avenue.

CSR

The parent parcel's average Unadjusted CSR2 value is 62.49. The value is acceptable for subdivision platting approval consideration.

Paving Agreement

The location of the platted lots is along hard surface state highway D12 ROW. A Paving Agreement meeting paving policy standards is not required as a condition for final plat approval.

Extraterritorial Review

Not applicable. There is no incorporated area within two miles of the parent parcel.

Utilities

No utilities current service the parcel. It is anticipated electrical, propane, well and septic system utilities will be installed.

Access/ Egress:

The parcel is serviced by an existing field entrance at the northwestern corner of the parcel. A single new Hwy D12 driveway access point is proposed along Lot 2's ROW frontage to provide access for the hog barn.

Environmental:

A tributary (drainage ditch) to Big Whiskey Creek will be located approximately 575 feet south of the Lot 2 and 610 feet from the Hog Barn.

Property Owner Notice

The six (6) property owners within 1000' as listed within the certified abstractor's affidavit submitted with the application have been timely notified of the public hearing. The Planning and Zoning office has received comment of concern from the following property owners:

- * Duane and Cynthia Reeder, 1086 Delaware Avenue, Lawton, IA
- * Walter Reinholdt*, 2605 Glen Ellen Road, Sioux City, Iowa 51106
- Wilber E. Lieber Revocable Trust, 1122 Dallas Avenue, Sioux City, IA 51108
- Richard Lieber, 1945 110th Street, Lawton, IA 51030
- Jo Ann Carlson, 1911 110th St, Lawton, IA 51030

*Owns property within 1,000 feet of CDR Swine Addition subdivision's platting

Agency Comment

The following departments or agencies were provided copies of the platting and asked to make comment. Responses noted are as of the date of this document.

Woodbury County REC: No response Received
 Wiatel: No Response Received
 Iowa Department of Natural Resources: No Response Received.
 Siouxland District Health Department: No response Received
 Woodbury County Assessor: Response listed below
 Woodbury County Board of Supervisors: No response Received
 Woodbury County Department of Emergency Services: No response Received
 Department of Emergency Management: No Response Received
 Woodbury County Engineer: Response listed below

To: John Plelo, Woodbury County Planning and Zoning Administrator
 From: Mark J. Nahra, County Engineer
 Date: June 26, 2017
 Subject: CDR Swine Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated June 16, 2017.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. A driveway location has been permitted on the east side of the property that exceeds minimum sight distance requirements.
- The location is on a roadway that is appropriate for heavy trucking and commercial use. I do not have concerns with the proposed location from a roadway adequacy perspective.
- We reviewed the log size and site plan to determine whether semi trucks could maneuver and serve the building without backing and using the roadway as an extension of the yard. The lot size is adequate for anticipated lading and maneuvering without impacting the roadway.
- I have no other concerns or issues with this subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Woodbury County Recorder-Real Estate Department:

The subdivision name has been reserved and is available for use. The following email also is added to the record.

Diane Peterson 6/26/2017 11:28 AM >>>

Hi John.

I am in receipt of the copy of the above subdivision plat. After review, I have input for you to pass on to the surveyor in regards to a few of the certificates on the plat.

Resolution of the Board: under the signature line for the Secretary, it should have Patrick F. Gill, Secretary.
Auditor and Recorder's Certificate of Recording: under the signature line, it should have Patrick F. Gill, Auditor and Recorder, Woodbury County and then under that it should have BY: Diane Swoboda Peterson, Deputy Auditor's Approval of Subdivision Name of Title: under the signature line, it should have Patrick F. Gill, Woodbury County Auditor and then under that it should have BY: Diane Swoboda Peterson, Deputy Treasurer's Certificate of Taxes and Special Assessments: under the signature line, it should have Mike Clayton, Treasurer and nothing under that because if a deputy has to sign, they will print their name and title.

Thank you, John!

Diane Swoboda Peterson

Woodbury County Real Estate/Recorder Deputy

620 Douglas Street; Room 106

Sioux City, Iowa 51101

[\(712\)279-6528](tel:(712)279-6528)

Fire Chief- Lawton Fire District: No Response Received

Prime Bank, LeMars Iowa – No Response Received

Staff Recommendation:

Subject to public hearing testimony, the staff recommendation supports a final plat approval recommendation by your Commission conditioned upon:

- 1.) The final platting includes the location and width dimension of the existing field entrance to Lot 1.
- 2.) The final platting includes the location and width dimension of the proposed driveway to Lot 2.

Attachments

Attached find the following documentation for your review:

- A. Location and Parcel Information
- B. Aerial Photography
- C. Aerial representation of parcel within 1,000 feet
- D. Verification of Unadjusted CSR2 Rating
- E. Onsite photos
- F. Final Platting/Topographical Contour Mapping

Your Commission is asked to hold the required public hearing and deliberate. You are then to vote on the final plat approval recommendation to the Woodbury County Board of Supervisors.

COMMENTS:

John Pylelo introduced the subdivision applicant, Randy Riediger. Mr. Riediger explained the use of the proposed subdivision as a 4800-head nursery unit, not a finishing unit, with the driveway on the east side of the property line. Mr. Riediger stated he and Mark Nahra confirmed 1000' site distance from either direction.

Mr. Pylelo pointed out the nursery will be under the DNR matrix of 1000, which will not require DNR review.

Tom Bride asked approximate size of hogs, Randy Riediger stated the pigs would be coming in around 11-60 pounds, with a turnaround every 7 weeks. Two trucks would be needed to ship pigs in, about eight trucks would ship them out. Also, about four feed trucks would service the building between each turnaround.

Chris Zellmer-Zant asked the reason for splitting the parcel, Mr. Riediger stated it will be a different entity putting up the building and for financial reasons the split was being made. Tom Bride asked the distance from the building to the nearest residence, Randy said his brother's place would be the closest, but there is a house 1,250' from the corner of the building to the corner of the residence. Mr. McBride pointed out that setbacks don't apply because it's under 1000 animal units, and it's under the DNR matrix.

Randy was asked how he came up with the size for the 1.71 acre lot the building will sit on, he said that size works for what they need. He also stated a small building may be added as long as it doesn't interfere with the truck turnaround. There was a question of whether that size parcel would be a problem later if it were sold, John Pylelo stated a house could be put on it but a variance would be needed since it is under 2.0 acres.

Mr. Riediger stated the property will be maintained locally. It will be a 12-year contract with the company. He commented the odor will not be as bad coming from the building as it would from a finisher. He will possibly add trees to three sides of the building. It will be a power ventilated, closed system with no curtains, and fans continually circulating the air.

Mrs. Zellmer-Zant asked about cleaning of the building, Randy stated it will be pumped once a year, and an umbilical cord will be used for knifing in the manure. It will be cleaned after each turn around, with an additive added for odor, and agitated.

Mr. Riediger stated he's been doing this for 10 years and has no issues so far. Anyone working with him needs to go through a two-hour class, every two years for quality assurance.

Mr. Pylelo asked about environmental issues regarding surface water leaving. Randy said the top terrace will come out, and the east one will be barrier to the south.

COMMENTS FROM PUBLIC:

Duane Reeder has farmed and lived in the area for 39 years and stated public safety, property values and quality of life were all issues he has concerns with. He said it is a high traffic area with a school bus route, truck traffic, bikers and RAGBRI. Property values decrease, and there would be flies, and smell year-round. He urged the Commission to deny the subdivision.

Walter Reinholdt, a retired farmer, stated there are two houses close to the proposed building, he has land 200' away. He states safety, smell and lower property values as issues he is concerned with. The driveway is in a no passing zone and crossing trucks will increase risk of accidents.

Richard Lieber lives about one mile from the site, he said it's a dangerous road now, even without the increase truck traffic. If the size of the operation changes in the future, there will be more truck traffic. He is also concerned about property values decreasing.

Susan Gregg lives approximately 3 miles to the East on D-12, works in Plymouth County. She is very proud that Woodbury County hasn't done like Plymouth Co, and has resisted the building of hog barns.

Robert Weatherly is retired from John Morrell and lives about 1½ miles from proposed subdivision. Robert is concerned about the smell from the hog barn and the possibility of a bigger operation in the future.

Lori Williams lives about two miles west, and works with environmental services. She is concerned about how the manure is processed. She has read there is a 11-38% chance people living nearby hog facilities will come in contact with MRSA. She's concerned with trucks carrying manure to fields and leaving manure on the roadway to be picked up by other vehicles and possibly spread disease. Randy Riediger said the manure will be pumped by an umbilical cord to the fields, and the trucks will be washed out at another location.

Wilber Lieber has lived in the area for 60 years. He is wondering why it was handled so sneakily. He farms along the Big Whiskey Creek and noticed flags on the ground one day.

John Pylelo addressed the public concerns about roadway safety. He referred to, and reread, the County Engineer's comments regarding the platting for the subdivision.

Duane Reeder questioned Randy Riediger about the number of trucks going in/out. Randy stated there will most likely not be a time when new loads will be coming at the same time as loads are being taken out. Mr. Reeder asked Randy about truck traffic leaving manure on the roads. Randy stated the manure will be transported to the fields by umbilical cord so there won't be increased truck traffic with manure from this building. He has a manure management plan and reports to the DNR.

Bruce Garbe asked if the manure could be used on the same fields. Randy says it depends on what is planted. He puts 4,500 gallons now if it's corn on corn.

Tom McBride asked about how the potassium & phosphorus are regulated. Randy says everything is based on nitrogen, so you put on what you're allowed for nitrogen, but potassium & phosphorus are not really not regulated. There will be more than enough land to put the manure down. He tests his pits yearly.

Bruce Garbe asked Mr. Riediger if he has a plan if two trucks do show up at the same time, and if he would be there when loading. Randy stated there would be room for 2-3 trucks on the property at the same time, and he would typically be there during loading/unloading.

John Pylelo clarified the location of the fence line.

Tom Bride asked John Pylelo if the subdivision was not approved, could the hog barn still be allowed. John said it would, and it then would be put on a large piece of land and that the State nor the County can do anything about it because the State legislature gives agriculture a free pass. The hog barn will stay under the matrix so DNR won't have much control over it. Because of the size of the animals and the location, setbacks and local restrictions do not apply. Tom also wanted to reinforce that point to the public.

Motion to close public hearing by Chris Zellmer-Zant, seconded by Bruce Garbe; carried 4-0.

DISCUSSION:

Mr. Pylelo sees no reason to deny the subdivision permit, and recommended approval of the Final Plat for CDR Swine subdivision subject to the following:

1. The name of the subdivision be changed to CDR Swine Addition - a Minor subdivision for Woodbury County, Iowa
2. The final platting and topographical mapping be changed as follows:
 - All references to the former subdivision name be changed (per #1 above);

- References to lots be Lot 1 and Lot 2;
 - The location and width dimension of Lot 1's field entrance be shown
 - The location and width dimension of Lot 2's driveway be shown
3. All changes recommended by the Woodbury County Real Estate Department on the certification page be made. The June 26th e-mail is attached.
 4. That all required Federal, State and local permitting be obtained.

John Pylelo is comfortable with the grading plan since the south terrace will stay in place.

Staff recommends the approval.

Bruce Garbe asked if there would be a slit fence, John stated it would not be necessary because of the size. Bruce Garbe would recommend a slit fence be added.

Tom Bride added he would like wording included to state all State, County and Local laws will be followed, and permits be attained.

With those recommendations, Bruce Garbe made a motion to recommend for approval the subdivision application to the Board of Supervisors. Seconded by Shawn Streck; motion carried 4-0.

Mr. Pylelo advised the public he doesn't know when the item will go to the Board of Supervisors and asked for email addresses of any interested person so he can notify them of the date of the meeting.

The public made additional comments about heavy truck traffic, smells coming from the facility, property values and who they could sue for legal nuisance violations.

Mrs. Zellmer-Zant added she grew up on and lives in the country and realizes what goes along with farming.

Bruce Garbe lives on Morningside Ave. and can smell cows at his house.

4. The 4th agenda item is hearing any person on any non-agenda item.

The chair welcomed any such person present to come forward to be heard.

The zoning office is not aware of any person intending to be present on a non-agenda item. None heard.

5. Any Commissioner Comment or Inquiry.

The Chair welcomed any Commissioner comment or inquiry of Staff. None heard.

Tom Bride motioned for the meeting to be adjourned. Shawn Streck seconded. Motion carried 4-0.

Meeting adjourned 7:17 p.m. Next meeting will be July 24, 2017.