

# **Minutes - Woodbury County Board of Adjustment Meeting September 11, 2017**

The meeting convened on the 11<sup>th</sup> of September, 2017 at 6:00 pm in the Board of Supervisor's Office Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Robert Brouillette, JoAnn Sadler, Tom Thiesen, and Dwight Rorholm. Katie Colling was absent. Staff members John Pylelo and Dawn Norton in attendance. Present from the public was Mark Nahra.

## **The 1st agenda item is any citizen wishing to be heard on a non-agenda item.**

No citizen made comment pertaining to this agenda item.

## **The 2<sup>nd</sup> agenda item is the approval of minutes from the Board's August 7, 2017 meeting.**

Dwight Rorholm requested the following corrections on page 7; "... according to FEMA" changed to "according to Iowa drainage law". Also on page 7, "... can't do grading to change" added, "per Iowa DNR".

*Dwight Rorholm requested the following correction to minutes during the October 2, 2017 meeting. Corrected to "Can't do any grading with respect to channel of the stream on that property. Iowa DNR is responsible for those drainage issues and the changes come from the Corp. of Engineers."*

JoAnn Sadler made a motion to approve the minutes with the above corrections; Dwight Rorholm seconded the motion; motion carried 4-0.

## **The 3<sup>rd</sup> agenda item is a Public Hearing and approval of a conditional use permit application Re: Staging an Operation of Earthen Borrow Extraction for property owner Randy and Ronnie Hunt Partnership and Application Woodbury County, Iowa. Within a portion of the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 31 of West Fork Township; GIS Parcel #874531400011.**

The Board is specifically tasked with holding a public hearing on this agenda item. Then to vote on the approval of the conditional use permit application.

### **BACKGROUND**

Woodbury County has received a conditional use permit (CUP) application from Randy and Ronnie Hunt Partnership (Hunt) and applicant Woodbury County, Iowa. The application was filed by the Woodbury County Secondary Roads Department (County) and is related to grading and earthen material removal for the County's 280<sup>th</sup> Street re-alignment project.

The application requests permitting to stage and operate a temporary earthen borrow facility on a portion of the Hunt parcel accessed by the drive addressed 2506 280<sup>th</sup> St. This drive also provides access to a Hunt family residence located upon an adjacent parcel to the southeast.

The CUP application requests permitting for the staging and operations to remove up to 20,000y<sup>3</sup> of soil from the site. Grading and excavation operations will be within an approximate 4.5 acre portion of the 17.57 acre parcel. The intent is to use the borrow for other county row projects within nearby 280<sup>th</sup> St. and Old Hwy 141 ROW. Should borrow material remain the applicant requests the flexibility to transport to other public ROW locations or to provide excess borrow to the public through June 30, 2018. It is anticipated grading, excavation and soil operations will commence immediately upon permitting. The borrow site will be decommissioned no later than June 30, 2018.

The location of the requested use is within part of the SE ¼ of the SE ¼ of Section 31 of Westfork Township. This location is at the southeast corner of 280<sup>th</sup> and Old Hwy 141 (Hwy D25). Available adjacent haul routes to the north and south is paved D25 (Old Hwy 141) and to the east and west graveled 280<sup>th</sup> St.

Woodbury County zoning ordinance (Section 3.03:4 - Page 37) provides that *Resource Extraction - Borrow pits for earth material* requires CUP approval by the county's Board of Adjustment.

The parcel is zoned AP (Agricultural Preservation) which supports the applied for conditional use. The parcel does not lie within any rural drainage district and is not within any designated special flood hazard area. The average corn suitability rating (CSR2) for the 17 acre parcel is 40.62.

The conditional use permitting process includes a review and a recommendation from the Woodbury County Zoning Commission. The Zoning Commission reviews the Conditional Use Permit application and reports its findings with recommendation to the Board of Adjustment. Per the ordinances, the Zoning Commission's recommendation is limited to a determination if each of the standards found within ordinance subsection 2.02.9.F will be met.

Section 2.02-9.F

(1) *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.*
- (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.*

- (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.*
- (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.*
- (e) *Essential public facilities and services will adequately serve the proposed use or development.*
- (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.*

(2) *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.*
- (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.*

Attached within your meeting packets are the following exhibits which provide additional project information to assist in your review of Section 2.02-9.F compliance:

- A. Woodbury Township TAM Mapping showing project location.
- B. An email from Ben Kusler of the Woodbury County Secondary Roads Department dated August 11, 2017 including the CUP application. The application provides information requested by the Planning and Zoning office staff which states why the applicant believes section 2.02-9F standards have been met and the following exhibits:
  - a. County Site Map
  - b. Routes to Borrow Placement'
  - c. Drawing of 280<sup>th</sup> realignment with acreages
  - d. Drawing of 280<sup>th</sup> realignment with legal
  - e. Drawing of 280<sup>th</sup> realignment with elevations
  - f. Veenstra and Kimm, Inc Preliminary ROW Plat
  - g. Veenstra and Kimm, Inc Preliminary Survey Plat
  - h. Hunt to County Easement for Public Highway 0.206 acres
  - i. Hunt to County Easement for Public Highway 1.965 acres
- C. Beacon Aerial with Parcel Number Layer

- D. Pictometry Aerial of parcel #874531400011
- E. Beacon Aerial of parcel #874531400011
- F. Beacon Parcel information
- G. Beacon Aerial with Zoning Layer
- H. Beacon Aerial with Soil Layer
- I. Corn Suitability Rating (CSR2) Report
- J. Beacon Aerial with Flood Plain Layer
- K. Photos of the Adjacent ROW and the Borrow Site
- L. Woodbury County Secondary Rad Grading Project No. L-(280<sup>th</sup> St)- -9-97 Drawings including location mapping, pollution prevention plan, roadway cross sections, relocation plan view and profile view.
- M. A letter from Christine Zellmer-Zant, Chairperson of the Zoning Commission relative to the Commission's recommendation of the application.

**Zoning Commission Recommendation:**

On August 28, 2017, the Woodbury County Zoning Commission met to assess the application in meeting the standards within ordinance section 2.02:9-F. See the attached letter from the Commission Chairperson providing the details of the approval recommendation of the Commission. Your Board should note the Commission's recommendation comes with suggestion that Secondary Roads place signage at the site; or in public ROW; the department deems best protects the health, safety and general welfare of the public traveling county roadways.



Woodbury County Planning & Zoning

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September 1, 2017

Robert Brouillette, Chairman  
Woodbury County Board of Adjustme

Planning and Zoning Office  
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Sioux City, IA 51101

WOODBURY COUNTY  
PLANNING AND ZONING DEPARTMENT

Re: Conditional Use Permit for Property Owner - Randy and Ronnie Hunt Partnership; and Applicant - Woodbury County, Iowa Re: The Staging and Operation of Resource Extraction — Temporary Borrow Pit for Earthen Materials in a portion of GIS Parcel #874531400011. Chairman Brouillette:

Pursuant to Woodbury County zoning ordinance subsection 2.02-9.E the County's Zoning Commission met on the 28th day of August, 2017 and reviewed the above referenced conditional use permit application. The application, site plan and related documents were specifically reviewed as they relate to the staging and the operation of Resource Extraction — Temporary Borrow Pit for Earthen Materials in a portion of GIS Parcel #874531400011 and within unincorporated Woodbury County.

By this communication the Woodbury County Zoning Commission advises the County's Board of Adjustment of its findings that the application meets or can meet each of the below listed standards established within County zoning ordinance subsection 2.02-9.F:

Excerpt from County Zoning Ordinance 2.02-9.(F).

*F. Requirements for conditional uses.*

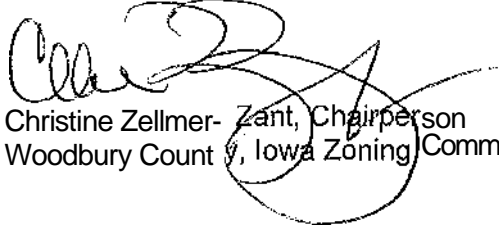
- (1) *Standards. In order to grant a conditional use, the Board of Adjustment must determine that:*
  - (a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
  - (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.*
  - (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.*
  - (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.*
  - (e) *Essential public facilities and services will adequately serve the proposed use or development.*
  - (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.*
- (2) *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.*
  - 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.*

**CONCLUSION AND RECOMMENDATION:**

The Woodbury County Zoning Commission finds that all standards of the county's zoning ordinance within subsection 2.02-9.F are or can be met for the conditional use applied for. Accordingly, the Zoning Commission recommends the applicant's conditional use permit be approved with the below condition being placed upon the permit.

1. That any conditional use permit issued include the county's Secondary Roads Department placing any signage at the site; or in public ROW; the department deems best protects the health, safety and general welfare of the public traveling county roadways.

Sincerely,



Christine Zellmer-Zant, Chairperson  
Woodbury County, Iowa Zoning Commission

### **Staff Recommendation:**

Planning and Zoning Office staff concurs with the Zoning Commission that Section 2.02-9(F) standards are; or can be; met. Staff recommends the conditional use permit be approved and include the roadway safety condition recommended by the Zoning Commission.

### **Discussion:**

John Pylelo stated a similar County bridge project CUP was approved in July of 2016, and successfully completed with no complaints.

Mark Nahra stated there is a lot of citizen approval for the project. Sight distance should be improved significantly to almost 1000 ft. Also, the timeline to finish the project is June of 2018. Mr. Nahra feels this will be met. Dwight Rorholm added more daylight will help in the progress.

Dwight Rorholm questioned the flattening off of the area. Mark Nahra stated they will try to restore the area; also Dwight pointed out the road should be referred to as K-45.

Mr. Nahra added any extra soil that won't be used on other county projects, may be available for the public to use, although they will be hauling most of it to areas where they are currently working.

Dwight Rorholm asked about erosion control; Mr, Mahra said they will do seeding, etc., to help with erosion. Dwight would like a condition where excessive material be taken out and used elsewhere, along with erosion control.

Robert Brouillette asked if neighboring property owners would have proper road access; Mark Nahra stated they will make sure that is not a problem.

Mr. Brouillette wants to make sure there is adequate dust control in place; Mark says that will be in place and if there is any complaints they will be dealt with. They will be doing most of the hauling, with the possibility of an outside contractor.

**Your Commission is tasked with reviewing the Conditional Use Permit application. The ordinances allow your Board to approve; approve with conditions or deny the application**

**Dwight Rorholm made a motion to approve with the following conditions; Tom Thiesen seconded; motion carried 4-0.**

1. Implement signage as recommended by the Zoning Commission.
2. Provide erosion control.
3. Fugitive dust control methods be put into place.

**The 4th agenda item is any citizen wishing to be heard.**

None heard.

**The 5th agenda item is Commissioner comment of inquiry.**

None heard.

JoAnn Sadler made a motion to adjourn; Dwight Rorholm seconded; motion carried 4-0. Meeting adjourned at 6:25 pm.

Next meeting is scheduled for October 2<sup>nd</sup>, 2017.