

Minutes - Woodbury County Zoning Commission Meeting September 25, 2017

The meeting convened on the 25th of September, 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 and Barb Parker. Zoning Staff Present: John Pylelo and Dawn Norton. Present from the public was Mark Gorton.

- 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 August 28, 2017 meeting.**

Barb Parker made a motion to approve the minutes; Bruce Garbe seconded the motion; motion carried 5-0.

NOTE: The next two agenda items #3 and #4 are Ordinance Section 2.02-9.F reviews and recommendations.

These two agenda items are conditional use permit applications. The first a CUP application for a Resource Extraction of Earthen Materials (a borrow pit). The second, a CUP application for a temporary concrete batch plant. Each use is approved as a conditionally permitted use in only selected zoning districts. In both applications under consideration the County's land use summary table allows the use as a conditionally permitted use. For both the applications, a copy of the application and supporting documentation has been provided.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances 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 standards found within ordinance subsection 2.02-9.F will be met. Please note that within both applications the applicant has responded to the standards listed within ordinance subsection 2.02-9.F.

Those 2.02-9.F. standards are reproduced below and are to be applied to both applications.

For both CUP applications, 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.

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.*

John Pylelo suggested moving agenda item 4 ahead of agenda item 3, since there was a member of the public to speak on agenda 4.

Bruce Garbe made a motion; Barb Parker seconded. Motion carried 5-0.
(Original agenda item 3 will now be referred as item 4; original agenda item 4 will now be referred at item 3.)

3. The 3rd agenda item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property Owner Herman Rock Jr. and Applicant Flynn Co. Inc. Re: The Staging and Operation of heavy construction services - Concrete mixing (temporary); On GIS Parcel #894333200006.

The Conditional Use Permit application is for the staging and operation of temporary heavy construction services - concrete mixing temporary (a concrete batch plant) within a 4-acre portion of a 29-acre parcel. The project is intended to produce concrete for the nearby eastbound lane segment of the Hwy 20 Reconstruction Project. The impacted area will be returned to agricultural production. It is anticipated the batch plant will be active for 2 months with decommissioning of the site anticipated to be within 6 months of permit issuance.

The parcel is located within a portion of the SE ¼ of the NE ¼ of Section 33, Rutland Township. The parcel abuts the west side of Lee Avenue approximately 330 feet north of the intersection of Lee Avenue and Hwy 20. The parcel is 7 miles east of Merville and is known as GIS parcel #894333200006.

The use for temporary concrete mixing is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of – Manufacturing and Processing–Temporary Heavy Construction Services-Concrete Mixing (temporary).

This use is approved as a conditionally permitted use in selected zoning districts. The use temporary concrete mixing is allowed as a conditionally permitted use (CUP) within the AP zoning district. As the parcel is zoned AP the requested use is allowed to be conditionally approved.

In 2016 your Commission approved a similar CUP application on this same parcel for this applicant's paving of the west bound lanes of Hwy 20.

Attached find the following documentation for your review:

- J. Letter from Mark Gorton Dated August 28, 2017
- K. Each of the Attachments outlined in the Gorton Letter
- L. Pictometry Aerials of the proposed site
- M. Beacon Parcel information - 2 parcels
- N. Beacon Parcel Aerial w/ parcel number layer
- O. Beacon Parcel Aerial w/ zoning layer
- P. Beacon Parcel Aerial w/ soil type layer
- Q. Beacon Soil Type Information verifying an Average Unadjusted CRS2 of 85.37
- R. On site photographs will be provided at the public hearing

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 Chairperson to provide your recommendation in writing to the Chairperson of the Board of Adjustment.

COMMENTS:

John Pylelo introduced the project; Mark Gorton spoke on the length of the project. Mr. Gorton said the site will be active about 3 ½ months, they will be moving grading in April, probably start producing concrete in May and June, plant will stay, crew will go away. Come back and pave in May 2018.

There was discussion on the issue date of the permit, Mr. Pylelo suggested the permit be issued sometime closer to start of project so it can be done without having to renew the permit. Commissioners were in agreement.

Mark Gorton stated there will be approximately 35,000 cubic yards in May, June and July, then 12,000 - 8,000 cubic yards when they come back. Haul routes will be identical.

Bruce Garbe asked Mr. Gorton if they had to get permits from Plymouth County to haul along there. Mark answered no, IA DOT handles that.

Tom Bride questioned if there were any issues overlooked from the project in 2016; John Pylelo stated only thing he heard was mention of the detours. Mr. Gorton stated there was an issue of too many trucks getting stacked up at first, but they fixed that problem.

Mr. Gorton also stated all DNR permits remain in place.

John Pylelo suggested the permit be issued from January 2018 – December 31, 2018.

Tom Bride made a motion to approve and recommend project to the Board of Adjustment with the permit date being January 1, 2018 through December 31, 2018. Seconded by Barb Parker; motion passed 5-0.

4. The 4th agenda item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owners Teddy J. Mammen, Karen J. Mammen and Agnes B. Meyer and Applicant Peterson Contractors Inc.

The Conditional Use Permit application is for the staging and operation of temporary resource extraction – borrow pit within a 10-acre portion of two congruent rural Woodbury County, Iowa parcels. The application requests the extraction of up to 23 cubic yards of earthen material from the site for transport to a nearby eastbound lane segment of the Hwy 20 Reconstruction Project. The impacted area will be returned to its previous use of farmland. Decommissioning of the site is anticipated to be in 2018.

The applicant 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 and delivery location are also criteria for selecting any suitable borrow location.

The proposed site is located within a portion of the NE ¼ of Section 05 of Kedron Township. The location is on the south side of hard surfaced 160th St. approximately 4 miles west of Correctionville and consists of portions of GIS parcels #884305200002 and #884305200005. The project will be serviced by an existing driveway addressed 3752 160th Street, Correctionville, Iowa.

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. As the applicant's parcels are zoned AP the requested use can be conditionally approved.

Attached find the following documentation for your review:

- A. Letter from Jamie Thomas Dated August 31, 2017
- B. Each of the Attachments outlined in the Thomas Letter
- C. 2- Pictometry Aerials of the proposed site
- D. Beacon Parcel information
- E. Beacon Parcel Aerial w/ parcel number layer
- F. Beacon Parcel Aerial w/ zoning layer
- G. Beacon Parcel Aerial w/ soil type layer
- H. Beacon Soil Type information verifying an Average Unadjusted CRS2 of 66.49
- I. On site photographs will be provided at the public hearing

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 Chairperson to provide your recommendation in writing to the Chairperson of the Board of Adjustment.

COMMENTS:

John Pylelo reviewed the haul route. It is all concrete, with about 7 residential driveways impacted. There should not be any dust issues with the project.

Tom Bride asked where the bulk of the dirt will be going, Mr. Pylelo did not know.

John stated the contractor, PCI, is not local but has a good reputation according to our county engineer.

Chris Zellmer-Zant asked there were any previous permits. John doesn't recall, may have been sub-contractors on some county projects. He recalls some dust issues on previous project but the engineers dealt with them.

Tom Bride asked about the project timeline. John expects a 2018 start, and done within a year permit.

Mr. Pylelo sees no issues. The CSR is high, but since this is a temporary project so there shouldn't be much crop rating lost.

John clarified the project will be up to 23,000 cubic yards.

Bruce Garbe asked if there were any erosion control issues. Mr. Pylelo stated it's flat and a silt fence will go up. He also pointed out one of the routes will go by Copeland Park.

Bruce Garbe made a motion to accept the application; Shawn Streck seconded. Motion passed 5-0.

5. The 5th agenda item is any citizen not on the agenda wishing to be heard.

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

6. The 6th agenda item is any commissioner comment of inquiry. Staff is available to address any commissioner inquiry.

John Pylelo asked the commissioner if they have heard much talk about CAFO's and SAFO's going into the county. Tom Bride noted some have questioned the number of head allowed and how much regulation, and there is some frustration about answers to those questions. Shawn Streck asked if there has been any new legislation, John said it is hard to find a legislator to sponsor it. Chris Zellmer-Zant added that due to research and advances on odor control the matrix could be higher. Tom Bride agreed more should have been done as a discussion with the Board of Supervisors, and we are not the only county facing with issue. John added that most producers keep their operations small enough to stay under the matrix not just to avoid more regulation, but it helps with the management of manure, setbacks and protection of ground water.

Barb Parker made a motion for the meeting to be adjourned; Shawn Streck seconded; carried 5-0.

Meeting adjourned 6:45 pm. Next meeting is scheduled for October 23, 2017.