



# WOODBURY COUNTY BOARD OF ADJUSTMENT

## Monday, June 5, 2023 at 6:00 PM

The Woodbury County Board of Adjustment will hold a public meeting on **Monday, June 5, 2023 at 6:00 PM** in the 1<sup>st</sup> Floor Board of Supervisor’s Meeting Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7<sup>th</sup> St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 285 965 578#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

### AGENDA

1	<b>CALL TO ORDER</b>
2	<b>ROLL CALL</b>
3	<b>PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA</b>
4	<b>APPROVAL OF MINUTES: May 1, 2023</b>
5	<b>ITEM(S) OF BUSINESS</b>
»	<p><b>PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION: TEMPORARY BORROW PIT ON PARCEL #884702100002</b></p> <p>JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. Parcel(s): 884702100002; Township: T88N R47W (Woodbury Township); Section: 2; Quarter: Government Lot 3</p>
»	<p><b>PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION: OPERATION OF DATA PROCESSING BUSINESS TO PLACE A DEMAND RESPONSE LOAD RESOURCE NEXT TO THE SUBSTATION IN CONJUNCTION WITH LOCAL ELECTRIC UTILITY TO SUPPORT GRID RESILIENCY ON PARCEL #864723300010</b></p> <p>WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed for a Conditional Use Permit application “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Parcel(s): 864723300010; Township: T86N R47W (Lakeport Township); Section: 23; Quarter: NW ¼ of the SW 1/4</p>
»	<b>INFORMATION / DISCUSSION: WOODBURY COUNTY COMPREHENSIVE PLAN 2040 PRESENTATION BY SIMPCO</b>
»	<b>INFORMATION / DISCUSSION: POSSIBLE CHANGES TO MEETING TIME AND LOCATION FOR THE WOODBURY COUNTY BOARD OF ADJUSTMENT AS REFERENCED IN THE RULES OF PROCEDURE</b>

»	<b>INFORMATION / DISCUSSION: UPDATE ON WOODBURY COUNTY SOLAR ENERGY REQUIREMENTS PROPOSAL FOR POSSIBLE CHANGES TO ZONING ORDINANCE</b>
6	<b>PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA</b>
7	<b>BOARD MEMBER COMMENT OR INQUIRY</b>
8	<b>STAFF UPDATE</b>
9	<b>ADJOURN</b>

## Minutes - Woodbury County Board of Adjustment – May 1, 2023

The Board of Adjustment meeting convened on the 1st of April 2023 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

BA Members Present : Daniel Hair, Tom Thiesen, Doyle Turner, Pam Clark, Ashley Christensen  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Lydia Gaunitz, Dakin Schultz, Adam Larson, Jerod Eickholt, Sid Mosher, Matt Mosher, Jason Klemme, John Daniels  
Steve Linn (via telephone conference)

### CALL TO ORDER

Chair Daniel Hair formally called the meeting to order at 6:00 PM.

### PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

None

### APPROVAL OF MINUTES

The April 3, 2023, minutes were approved. Motion by Christensen to approve; Second by Turner. Motion passed 5-0.

### PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION: VENDOR SALES OF ALCOHOL DURING RAGBRAI ON PARCEL #894407100006, 2590 110<sup>TH</sup> ST., MOVILLE, IA 51039

Priestley read the staff report summary into the record. Backpack Brewing (Applicant) and property owners Chad and Tara Schmitt have filed for a Conditional Use Permit application to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is on Parcel #894407100006. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Woodbury County Board of Supervisors approved Ordinance #69, effective November 16, 2022, authorizing this request as a conditional use in the AP District. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. Motion to close public hearing: Christensen. Second: Clark. Motion approved 5-0.

Motion by Turner to recommend approval of the conditional use permit to allow sales of alcohol only during the Special Event of RAGBRAI on July 23, 2023, with the condition that the property owner/applicant shall obtain all necessary federal, state, and local permits including, but not limited to liquor licensing. The permit shall terminate at 11:59 PM Central Daylight Time.

Second: Thiesen. Motion carried 5-0.

### PUBLIC HEARING: VARIANCE REQUEST TO BUILD ACCESSORY POLE BARN (SHE) PRIOR TO BUILDING A PRINCIPAL STRUCTURE (SINGLE-FAMILY DWELLING), PARCEL #884724300011

Priestley read the staff report summary into the record. Jerod & Kayla Eickholt have filed a variance application with the request to build an approximately 40' x 60' accessory pole barn (shed) prior to building a principal structure (single-family dwelling).

Section 4.12.2 of the Woodbury County Zoning Ordinance requires that "no accessory building shall be constructed upon a lot until the construction of the principal building has commenced..." (p. 45). The property owners have filed this variance to request relief from the requirement that the principal structure (house) must be built before the accessory structure (shed) due to a delay with the contractor. The property is located on Parcel #884724300011 on Lot 1 of the Davis Estates Subdivision in Section 24, T88N R47W (Woodbury Township). The parcel is located in the Agricultural Estates (AE) Zoning District and is not located in the floodplain. Motion to close public hearing: Thiesen. Second: Turner. Motion approved 5-0. Based on the information provided, staff recommends the approval as the requirement to build the principal structure first is a practical difficulty for the property owners in this case-by-case situation. Therefore, staff recommends approval of the variance with the condition that the property owner apply for both the house and shed building permits at the same time in anticipation of the two building projects. Motion by Clark approve the variance request with the condition that the property owner apply for both the house and shed building permits at the same time in anticipation of the two building projects. Second: Christensen. Motion carried 5-0.

### PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION: LANDSCAPING SERVICES, NURSERY BUSINESS, AND OTHER RELATED USES, ETC. ON PARCEL #894607100006

Priestley read the staff report summary into the record. Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher (Applicant) has filed for a conditional use permit application to use the property for landscaping and a nursery on a portion of the property identified as Parcel #894607100006 in the SW ¼ of the NW ¼ of Section 7, T89N R46W (Concord Township). The parcel is located in the Agricultural Preservation (AP) Zoning District. The property is addressed at 1130 Barker Avenue, Sioux City, IA 51108. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the AP Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 15, 2023. The neighbors within 1000 FT have been duly notified via April 14, 2023 letter about the May 1, 2023 Board of Adjustment Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This conditional use permit application is being considered concurrently with a one-lot minor subdivision

application to establish a 4.5-acre lot. Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. Zoning Commission approved proposal at their April 24, 2023 meeting. Motion to close public hearing: Clark. Second: Christensen. Motion approved 5-0. Motion by Hair to approve the conditional use request to allow for this property to be used as a landscaping and nursery business with associated uses including tree services, and sand and gravel storage, feed and seed sales, fertilizer storage/distribution/application, and other uses related to a landscaping business. Second: Turner. Motion passed 5-0.

**PUBLIC HEARING: CONDITIONAL USE PERMIT APPLICATION: TEMPORARY BORROW PITS ON TWO PROPOSED BORROW AREAS: BORROW AREA #1: PARCEL(S) 884704200001 & 884704200003; BORROW AREA #2: PARCEL 884702100006**

Priestly read into record the proposed Conditional Use Permit application. JB Holland Construction, Inc. (Applicant) and property owners Eric Hennings and Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 projects (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001, Parcel #884704200003, and Parcel #884702100006. Both parcels are located on the south side of Highway 20. Each parcel is currently used as farm ground. The proposed cut area on Parcel #884704200001 and Parcel #884704200003 is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The proposed cut area on Parcel #884702100006 is 8-10 acres. The work area is 10 acres, and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the floodplain. However, this area will not be a part of the borrow site. The applicants have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, staff recommends approval of Temporary Borrow Area #2. Bill Holland stated the area is currently farmland, after completion of the project, area will be graded and returned to farmland. Archeology studies have been completed on each site. An agreement between Magellan Midstream Partners L.P. and the applicants/landowners has not yet been reached regarding the removal of inactive pipeline located across borrow area #1. Motion to close public hearing: Christensen. Second: Turner. Motion carried 5-0. Christensen motioned approval of temporary borrow pit #2. Second: Turner. Motion carried: 5-0. Clark motioned to approve temporary borrow pit #1 with contingency that a verified written agreement be reached between Magellan Midstream and landowners/applicants and presented to the Planning and Zoning Department by June 1<sup>st</sup>, 2023. Clark rescinded motion. Motion by Turner to approve temporary borrow pit #1 with condition that the approval is contingent of a written agreement between Magellan Midstream Partners L.P. and landowners regarding the pipeline at the location be reached before activity on temporary borrow pit #1 can proceed. Second: Christensen. Motion approved: 5-0

**INFORMATION/DISCUSSION: WOODBURY COUNTY SOLAR ENERGY REQUIREMENTS REVIEW FOR POSSIBLE CHANGES TO ZONING ORDINANCE**

The Woodbury County Board of Supervisors on April 4, 2023, directed zoning to evaluate solar power in the unincorporated areas of the county. Solar energy generation includes personal/or private, and utility scale systems. Currently only large-scale systems are only allowed in General Industrial (GI) zoning areas with an approved conditional use permit. Solar panels are prohibited on farmland unless the farm operation is using the energy generated for power and is used under agricultural exemption under Iowa Code 335.2. If the land is not agricultural exempt, the landowner currently would need to request and be approved to rezone to the GI Zoning District. Spot zoning is not encouraged and much of the future land map does not allow industrial activities in agricultural areas. Other counties in Iowa use the Conditional Use Permit of Special Permit processes for Utility Scale Commercial Energy Systems. For personal or private use, an option would be to establish a stand-alone ordinance, amend the existing ordinance, or keep the same policy. An addition to the land use table could include "Social Energy Generation (Private Use)" under the Utilities category, including a letter "A" to each column as an "Accessory Use." This would allow property owners to add solar panels as accessory structures through the building permit process and require the dimensional standards to be followed. An existing primary or principal structure would be required. Commercial Solar options would also include stand-alone ordinance, amend existing ordinance, or keep the same policy by restricting commercial solar to General Industrial areas only. A possible option would be to amend the ordinance to allow Conditional Use permitting in additional zoning districts. A Planned Development Overlay Zoning District could also be explored.

**INFORMATION/DISCUSSION: SUMMARY OF PROPOSED REVISIONS TO WOODBURY COUNTY ORDINANCE #56:**

The Board of Supervisors requested Zoning address amendments to modify section 6.1.A: Wind turbine set back requirements to increase certain setback requirements to the ordinance regulating commercial wind energy conversion systems in the unincorporated areas of Woodbury County. Amendment #1: On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles. Amendment #2: On page 10, Section 6.1.A, to repeal and replace the Wind Turning Set Back Requirement for the Public Conservation Protect Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater). This is an ordinance considered by the Board of Supervisors and requires three public hearings.

**INFORMATION/DISCUSSION: WOODBURY COUNTY COMPREHENSIVE PLAN 2040 UPDATE:**

SIMPACO presented a draft version of the 2040 Comprehensive Plan at an Open House on Wednesday, April 26<sup>th</sup> to review the plan and receive comments on the future development of Woodbury County. Anyone with additional information or comments are welcome to email SIMPACO. When a final version is complete, the Comprehensive Plan will be presented to the Zoning Commission with public hearings for citizen comment, then forwarded to the Board of Supervisors for a resolution.

**INFORMATION/DISCUSSION: FEMA INITIATED 90-DAY APPEAL OF THE REVISED FLOOD RATE MAP AND FLOOD INSURANCE STUDY FOR WOODBURY COUNTY AND INCORPORATED AREAS:**

FEMA has updated the flood insurance rate maps (floodplain maps). They are currently in a draft form. An appeal period will be open until July 24, 2023. The new maps are expected to be released around summer of 2024.

**PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:**

None

**COMMISSIONER COMMENT OR INQUIRY:**

None

**STAFF UPDATE:**

Board of Supervisors will have a public hearing Tuesday, May 9th, 2023, to discuss amending the ordinance regulating commercial wind energy conversion systems setbacks 2 miles from cities and ½ mile from public conservation areas. The new Woodbury County website offers a notification option to receive email updates regarding meetings.

**ADJOURN:**

Motion by Christensen. Second: Clark Carried 5-0. The meeting adjourned at 7:30 P.M.



# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov  
Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

## FINAL REPORT – May 31, 2023

### TEMPORARY BORROW PIT – CONDITIONAL USE PERMIT PROPOSAL

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p><b>BORROW AREA</b>  <b>Owner/Applicant(s):</b> Hennings Joint Trust (Donald Hennings) JB Holland Construction, Inc.  <b>Application Type:</b> Conditional Use Permit – Temporary Borrow Site to remove earthen materials  <b>Zoning District:</b> Agricultural Preservation (AP)  <b>Total Acres:</b> 36  <b>Current Use:</b> Crop Land    <b>Proposed Use:</b> Crop Land</p> <p><b>Pre-application Meeting:</b> Not requested.  <b>Application Date:</b> April 26, 2023 (Received May 1, 2023)  <b>Legal Notice Date:</b> May 20, 2023 (Board of Adjustment)  <b>Stakeholders' (500') Letter Date:</b> May 18, 2023  <b>Zoning Commission Review Date:</b> May 22, 2023  <b>Board of Adjustment Public Hearing Date:</b> June 5, 2023</p>	<p><b>BORROW AREA</b>  <b>Parcel(s):</b> 884702100002  <b>Township:</b> T88N R47W (Woodbury Township)  <b>Section:</b> 2  <b>Quarter:</b> Government Lot 3  <b>Zoning District:</b> Agricultural Preservation (AP)  <b>Floodplain District:</b> Zone X (Not in Floodplain)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Summary, Recommendation, Aerial &amp; Proposed Area</li> <li><input type="checkbox"/> Review Criteria</li> <li><input type="checkbox"/> Applicant Comments</li> <li><input type="checkbox"/> Legal Notification</li> <li><input type="checkbox"/> Adjacent Owners' Notification</li> <li><input type="checkbox"/> Stakeholder Comments</li> <li><input type="checkbox"/> Supporting Documentation</li> <li><input type="checkbox"/> Application</li> </ul>

### SUMMARY

JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002 as referenced above. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. The applicant(s) have provided the necessary documentation including an environmental study, NPDES #2 Permit, and the Storm Water Pollution Prevention Plan (SWPPP).. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission at their meeting on May 22, 2023, voted 5-0 to recommend approval to the Board of Adjustment.

### PARCEL MAP

### BORROW AREA

**Legend**

- Roads
- Corp Boundaries
- Townships
- Parcels

Parcel ID: 884702100002    Alternate ID: 821310    Owner Address: HENNINGS JOINT TRUST  
 Sec/Twp/Rng: 2-88-47    Class: A    1970 GARNER AVE  
 Property Address:    Acreage: 36    MOVILLE, IA 51039  
 District: 0030  
 Brief Tax Description: GOVT LOTS 2-88-47  
(Note: Not to be used on legal documents)

**Overview**

**Elevation**

More Info

1,192.9 ft    1,302.9 ft

Contour Interval (feet): 15

Range: **110.0 ft**  
 Min: 1,192.9 ft    Max: 1,302.9 ft

Slope: **8.9 %**  
 Min: 0.1 %    Max: 25.8 %

The area in red will be the excavation area.

### ZONING COMMISSION AND STAFF RECOMMENDATION

Staff recommends approval of this temporary borrow pits proposal as it can meet the conditional use permit criteria.

The Woodbury County Zoning Commission at their meeting on May 22, 2023, voted 5-0 to recommend approval to the Board of Adjustment. (Draft minutes enclosed on next page).

### Suggested Motion

A motion to the temporary borrow pit as proposed.

**Minutes - Woodbury County Zoning Commission Meeting – May 22, 2023**

The Zoning Commission (ZC) meeting convened on the 22<sup>nd</sup> of May at 6:00 PM in the basement meeting room in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O’Tool, Tom Bride, Barb Parker  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Gayle Palmquist, Tom Treharne, Leo Jochum, JP Baric, Jarrod Ulert, Lydia Gaunitz, Alan Fagan, Adam Larson, Corinne Erickson, Erin Berzina, Doyle Turner

**Call to Order**

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

**Public Comment on Matters Not on the Agenda**

None

**Approval of Previous Meeting Minutes – April 24, 2023**

O’Tool motioned. Second: Bride. Motion carried: 5-0.

**Public Hearing: Homestead 1867 Addition, Second Filing, Minor Subdivision Proposal on Parcel #884405200009**

Priestley read the preliminary report and staff recommendation into the record. John Weaver and Brian Weaver have filed for a two (2) lot minor subdivision to be known as Homestead 1867 Addition, Second Filing on the property identified as Parcel #884405200009. This agricultural subdivision proposal has been properly notified in the Sioux City Journal Legals Section on May 12, 2023. The neighbors within 1000 FT have been duly notified via a May 5, 2023 letter about the May 22, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities and organization have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found the new lot has adequate access. The engineer recommends that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood (SFHA). Extraterritorial review is not required as the property exceeds two (2) miles from an incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets appropriate criteria for approval. Motion to close public hearing: Parker. Second: Meister. Motion approved 5-0. Motion by O’Tool to recommend the approval of the *Homestead 1867 Addition, Second Filing* to the Board of Supervisors with the condition that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. Second: Parker. Motion carried 5-0.

**Public Hearing: Public Hearing: Solar Energy Systems Amendments Proposal to Woodbury County Zoning Ordinance. Summary of Proposed Zoning Ordinance Text Amendments:**

Priestly read the proposal into the record. SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: *THE TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: SECTION 6.02 ENTITLED DEFINITIONS; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS. THE PROPOSAL IS TO ADD SOLAR ENERGY SYSTEMS (PRIVATE USE) AS ACCESSORY USES IN EACH ZONING DISTRICT AND TO ADD SOLAR ENERGY SYSTEMS (UTILITY SCALE) AS A CONDITIONAL USE IN THE AGRICULTURAL PRESERVATION ZONING DISTRICT AND THE GENERAL INDUSTRIAL ZONING DISTRICT. Priestly explained Amendment #1 addresses and defines accessory solar uses for private landowners. Solar array would be considered an accessory structure and could be permitted with issuance of building permit. Amendment #2 sets uses for commercial or utility scale arrays and would require a conditional use application in the AP and GI Zoning Districts. Amendment #3 addresses the redesign and renumbering of definitions of sections 6.01 and 6.02. Bride discussed net metering, where the electric company would roll back equal for extra energy produced, for benefit of private owners. Parker inquired about A-Slope. Zellmer Zant and Bride discussed the conditional use process as it relates to slope. Motion to close public hearing: O’Tool. Second: Bride. Motion carried 5-0. Bride suggested sending proposal to County Attorney for rewriting to include net metering language for private use arrays before sending the recommendation to the Board of Supervisors. Motion by Bride to include net metering language in the recommendation to the Board of Supervisors to address the private use whether it is net metering or something else to allow on the residential side for private use. O’Tool suggested removing immediate from the motion. Second by Parker. Motion carried 5-0.

**Review of Conditional Use Permit Application: Temporary Borrow Pit on Parcel #884702100002.**

Priestley read the preliminary report and staff recommendation into the record. JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total exaction for export is 100,000-15,000 yds<sup>3</sup>. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. The application(s) have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to recommend approval of the temporary borrow pit by O'Tool; Second: Meister. Motion carried: 5-0.

**Review of Conditional Use Permit Application: Operation of Data Processing Business to Place a Demand Response Load Resource Next to the Substation in conjunction with Local Electric utility to Support Grid Resiliency on Parcel #864723300010.**

Priestly introduced the proposal of WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed a Condition Use Permit application "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility use or comparable to the industrial use of research and development laboratories in the sense of data analysis. Therefore, the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District. Hence, based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. John Baric provided information sheets for the Commissioners. Motion to receive: Bride; Second: O'Tool. Carried: 5-0. REC has provided a letter of support. The center would even the supply and demand of power and be located next to the Lakeport Substation. Motion by Bride to recommend approval of the conditional use permit "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. Second: O'Tool. Motion carried: 5-0.

**Information/Discussion: Woodbury County Comprehensive Plan 2040 Presentation by SIMPCO**

Representatives from SIMPCO gave an overview of the progress and status of the 2040 Comprehensive Plan. The new plan is not set in stone and incorporates the existing plan. A draft plan is complete; however, comments and suggestions can still be submitted to SIMPCO's website or Facebook site. Comment section will end June 16<sup>th</sup>, then will be presented to stakeholders.

**Information/Discussion: Meeting Time and Location for the Woodbury County Zoning Commission as Referenced in the Rules of Procedure**

Staff has been approached to consider a change in meeting time/location of meetings. Zoning Commission discussed the possibly to move meetings to 4:30 or 5:00 PM. Board of Supervisors have input in decision. The Board of Adjustment will also be asked to consider changes.

**Public Comment on Matters Not on the Agenda**

Tom Treharne recommended the new Comprehensive Plan include renewable energy and recommend an amendment to the zoning ordinance to facilitate permitting for activities such as the data processing business that was considered earlier in the meeting.

**Staff Update**

Priestley stated that the 3<sup>rd</sup> reading by the Board of Supervisors of the Wind Ordinance amendment will be on May 23 addressing increased setbacks for cities and conservation areas.

**Adjourn**

Motion to adjourn: Meister. Second: O'Tool. Carried 5-0. Meeting concluded at 7:28 PM.



\*\*\* Proof of Publication \*\*\*

STATE OF IOWA  
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY  
SIOUX CITY IA 51101

ORDER NUMBER 59007

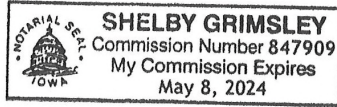
Subscribed and sworn before me in Sioux City, in said County,

this 22<sup>nd</sup> day of May, 2023.

Tracey Smimming

Shelby Grimsley Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 05/20/2023

TOTAL AD COST: 45.89

FILED ON: 5/22/2023

NOTICE OF PUBLIC HEARINGS BEFORE  
THE WOODBURY COUNTY BOARD OF  
ADJUSTMENT

The Woodbury County Board of Adjustment will hold public hearings on the following items hereafter described in detail on June 5, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 285 965 578# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)  
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by WIFI LLC (Applicant) and Patricia Brenden of the Brenden Patricia A Revocable Trust (Ownership). The Conditional Use Permit application request is to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency for the proposed use to operate a data processing business. The property is located on Parcel #864723300010 in T86N R47W (Lakeport Township) in Section 23 in the NW ¼ of the SW ¼. The property is located about 3 miles northwest of Sloan. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Owner(s) /Applicant(s): Patricia Brenden of the Brenden Patricia A Revocable Trust, 1113 Halls Beach Path, Salix, IA 51052; WIFI LLC, 270 Cornerstone Dr., 101C, Cary, NC 27519.

Item One (2)  
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by owner Donald Hennings of the Hennings Joint Trust (Ownership of Parcel #884702100002) and JB Holland Construction, Inc (Applicant). The Conditional Use Permit request is to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002 in T88N R47W (Woodbury Township), Section 2, on Government Lot 3. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. Owner(s) /Applicant(s): Donald Hennings of the Hennings Joint Trust, 1970 Garner Ave., Merville, IA 51039; JB Holland Construction, Inc., 2092 State Hwy 9, Decorah, IA 52101.

**PROPERTY OWNER(S) NOTIFICATION – 500’**

The ten (10) property owners within 500 FT of both borrow sites; and listed within the certified abstractor’s affidavit; were notified by a May 18, 2023 letter of the public hearing before the Woodbury County Board of Adjustment on June 5, 2023.

As of the printing of this packet, the Community and Development office has received:

- 1 Phone Inquiry with no comments.
- 0 Written Comments

The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



**BORROW SITE #1: PROPERTY OWNERS WITHIN 500 FOOT RADIUS**

Property Owner(s)	Mailing Address				Comments
Hennings Joint Trust	1970 Garner Ave.	Moville	IA	51039	No comments
Marnice Schellinger	2137 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments
Morningside Storage LLC	4109 Gordon Drive	Sioux City	IA	51106	No comments
Pauline M. Flannery	111 Grandy Drive	Sioux City	IA	51106	No comments
John M. Jackson & Lorali Jackson	115 Grandy Drive	Sioux City	IA	51106	No comments
Dennis A. & Julie A. Fischer Trust	112 Grandy Drive	Sioux City	IA	51106	No comments
Jay B. Todd & Stacey M. Todd	114 Grandy Drive	Sioux City	IA	51106	Phone inquiry. No comments
Georgie A. & John L. Quinlain	116 Grandy Drive	Sioux City	IA	51106	No comments
Ronald G. & Mary M. Clause	1611 Buchanan Ave.	Sioux City	IA	51106	No comments
Harold D. Sypersma Jr.	1649 Buchanan Ave.	Sioux City	IA	51106	No comments

**STAKEHOLDER COMMENTS**

<b>911 COMMUNICATIONS CENTER:</b>	No comments.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	No comments.
<b>IOWA DEPARTMENT OF TRANSPORTATION (IDOT):</b>	We have no comments regarding the proposed borrow. – Kelly Mulvihill, 5/9/23.
<b>LOESS HILLS NATIONAL SCENIC BYWAY:</b>	No comments.
<b>LOESS HILLS PROGRAM:</b>	No comments.
<b>LONGLINES:</b>	No comments.
<b>LUMEN:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	No issues from Magellan here. – Bryan Ferguson, 5/8/23.
<b>MIDAMERICAN ENERGY COMPANY (Electrical Division):</b>	I have reviewed the following Conditional Use Permit for MEC Electric and we have no conflicts. – Casey Meinen, 5/8/23.
<b>MIDAMERICAN ENERGY COMPANY (Gas Division):</b>	No conflict for MEC “gas” on this either. – Tyler Ahlquist, 5/12/23.
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS):</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments. No comments.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	Have reviewed this zoning request, NIPCO has no facilities at or adjacent to this location. NIPCO has no issues with this request. – Jeff Zettel, 5/16/23.
<b>NUSTAR PIPELINE:</b>	No comments.
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	I have no issues with the proposed borrow area. Use of this area will benefit the county road by eliminating a severe snow trap. Part of the use of the proposed borrow will be used to improve the Buchanan Avenue/US 20 intersection. This intersection has long been a maintenance problem for the county. The proposed improvements will reduce the grade of southbound Buchanan Avenue and prepare the road for paving, which is part of this project. This use is beneficial to the county. Thank you for the opportunity to comment. – Mark Nahra, PE, 5/17/23.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	No comments.
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:</b>	The WCSWCD has no comments regarding this borrow pit CUP, as long as all soil erosion control measures are implemented and monitored. – Neil Stockfleth, 5/8/23.

## ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

### APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is to establish a temporary borrow pit to remove earthen materials to be used in Phase 1 & 2 of East bound Hwy 20 IDOT Project #17-97-020-010. These borrow sites are currently used as farm land.

1. Estimate of the quantities of earthen material to be moved
  - a. West Borrow:
    - i. Cut Area: 8-10acres
    - ii. Fill Area: 0 acres
    - iii. Work Area: 10acres
    - iv. Total excavation for Export: 100,000-150,000 yds<sup>3</sup>
  - b. East Borrow:
    - i. Cut Area: 8-10acres
    - ii. Fill Area: 0 acres
    - iii. Work Area: 10acres
    - iv. Total excavation for Export: 100,000-150,000 yds<sup>3</sup>
  - c. South East Borrow (3)
    - i. Cut Area: 8-10 acres
    - ii. Fill Area: 0 acres
    - iii. Work area: roughly 10 acres
2. Storm Management Plan
  - a. SWPPP Plan
    - i. See attached
  - b. Permits
    - i. See attached
3. Soil Erosion Plan
  - a. A Soils Erosion Plan has been developed and consists of staging and maintenance, winter shutdown, removal of temporary measures, measures necessary to control erosion and dewatering plan
    - i. See attached
4. Dust Control
  - a. Watering
  - b. Sweeping
5. Haul Route
  - a. Onsite (equipment shall not leave the work zone as shown in IDOT Project #17-97-020-010)
    - i. See attached
  - b. Offsite (personal vehicles)
    - i. See attached
6. Traffic Entrances
  - a. See attached
7. Hours of Operation
  - a. 6:30AM-7:30PM
  - b. The contractor will make every effort to operate in a safe and efficient manner
8. Duration of Operation
  - a. The anticipated end date to phase 1 is November 2023
  
  - b. The anticipated end date to phase 2 is November 2024
  - c. See attached

PER SECTION 2.02(9) (C )(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

1. Maps
  - a. See attachment

**CRITERIA 1:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. The current zoning is Agricultural Preservation for this borrow area. Borrow pits are allowed under agricultural preservation. The purpose of borrow site is for grading operations of IDOT Project# 17-97-020-010. Borrow area will return to farm land; being re-graded to be less sloped and therefore less erosive.

**Staff Analysis:**

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance includes the Agricultural Preservation (AP) Zoning District as a location authorized for a conditional use pending review by the Zoning Commission and approval by the Board of Adjustment.

**CRITERIA 2:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. This parcel is zoned as Agricultural Preservation and is currently used as farm land. The purpose is to borrow earthen material for IDOT Project # 17-97-020-010. In conclusion to the grading of the borrow, the site will be re-graded and farming practices can continue.

**Staff Analysis:**

The applicants have met or will meet the requirements necessary for a borrow pit including the issuance of a NPDES Permit 2 from the Iowa Department of Natural Resources as well as having a Storm Water Pollution Prevention Plan (SWPPP) to control erosion. It is the expectation of the general plan (Land Use Goal 1.6) as well as county and state policies to ensure that "standards and practices for land development to minimize soil erosion and damaging water runoff, particularly in the fragile soils of the Loess Hills area of the county."

**CRITERIA 3:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. The grading of the borrow will have little to no effect on regular traffic as there will already be traffic control in place for the Hwy 20 East Bound Project.
- b. There may be a short-term closed lane of Buchanan Avenue due to the close proximity of the East borrow and the traveled way of Buchanan Avenue
  - i. This grading will leave Buchanan Avenue aesthetically more pleasing than before
  - ii. See attachment
- c. The utility companies are moving lines due to the construction of Hwy 20 Project # 17-97-020-010 and the borrow site will not affect those operations
- d. Vehicular parking and equipment parking will not impose on regular traffic as the work will all be done on the closed part of Hwy 20 East Bound
- e. Public Health and Safety will not be affected as all equipment traffic from borrows will remain on the closed part of Hwy 20 East Bound project.

**Staff Analysis:**

The borrow pit would have a temporary impact on the neighborhood during the extraction and transfer period. As long as the requirements as set forth by the Iowa Department of Transportation (IDOT) are met for the transfer and the SWPPP are followed for erosion control, there would be a temporary impact. There does not appear to be any significant impact to parking, utility facilities, or other factors affecting public health.

**CRITERIA 4:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. The borrow excavation will not impede on the existing conditions of the farm land.
- b. The excavations will lessen the steepness of the back slope on that area of Buchanan Ave

**Staff Analysis:**

The temporary borrow pit is to be located, designed, and constructed in a manner that will have a minimal impact on the area during the time of extraction and transfer. As long as the location is returned back to farm ground and the SWPPP are appropriately followed for erosion control, there should be a minimal impact.

**CRITERIA 5:**

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. These borrow sites are going to be used in the grading of the section Hwy 20 East Bound

**Staff Analysis:**

Not applicable to the proposed use.

**CRITERIA 6:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

- a. There will be one parcel (884702100002) affected by the excavations. This parcel is subject to Archeological testing prior to earthen removal per the State of Iowa therefor no effects of historical features will be disrupted.

**Staff Analysis:**

The applicant must work within the guidelines of the NPDES #2 and Storm Water Pollution Prevention Plan (SWPPP) to prevent any unnecessary adverse effects to the property and return the property to farm ground.

**OTHER CONSIDERATION 1:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Staff Analysis:**

This temporary borrow pit is being requested to support the east bound Highway 20 project (IDOT Project #17-97-020-010). The borrow extraction from the requested locations can be construed as a service in the public interest to complete improves to local transportation.

**OTHER CONSIDERATION 2:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Staff Analysis:**

Steps should be taken to return the property to farm ground.

**APPLICATION**



CONDITIONAL USE PERMIT APPLICATION

<b>Owner Information:</b>		<b>Applicant Information:</b>	
Owner	<u>Donald Hennings</u>	Applicant	<u>JB Holland Construction</u>
Address	<u>1970 Garner Avenue</u> <u>Moville, IA 51039</u>	Address	<u>2092 State Hwy. 9</u> <u>Decorah IA, 52101</u>
Phone	_____	Phone	<u>563-382-2901</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to: establish a borrow pit for the removal of earthen materials

**Property Information:**

Property Address or Address Range parcel E of intersection of Buchanan Ave, & Grandy Dr. Sioux City IA

Quarter/Quarter SW1/4, NW1/4, NW1/4 Sec 2 Twnshp/Range 88-47

Parcel ID # 884702100002 GIS # \_\_\_\_\_ Total Acres 36

Current Use crop land Proposed Use crop land

Current Zoning AP

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date None requested Staff present N/A

The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

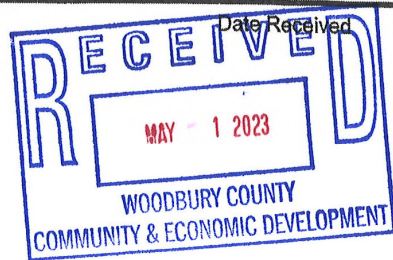
This Conditional Use Permit Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner <u>Donald Hennings</u>	Applicant <u>William F. Holland</u>	<small>Digitally signed by William F. Holland DN: c=US, e=wholland@jbhc.biz, o=JB Holland Construction, Inc, ou=William F. Holland Date: 2023.04.28 07:33:28-05'00'</small>
Date <u>4-26-23</u>	Date <u>4-26-23</u>	

Fee: \$300\* Case #: 1870

Check #: 2460

Receipt #: \_\_\_\_\_



PER SECTION 2.02(9)(C )(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use is to establish a temporary borrow pit to remove earthen materials to be used in Phase 1 &2 of East bound Hwy 20 IDOT Project #17-97-020-010. These borrow sites are currently used as farm land.

1. Estimate of the quantities of earthen material to be moved
  - a. West Borrow:
    - i. Cut Area: 8-10acres
    - ii. Fill Area: 0 acres
    - iii. Work Area: 10acres
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  - c. South East Borrow (3)
    - i. Cut Area: 8-10 acres
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  - a. SWPPP Plan
    - i. See attached
  - b. Permits
    - i. See attached
3. Soil Erosion Plan
  - a. A Soils Erosion Plan has been developed and consists of staging and maintenance, winter shutdown, removal of temporary measures, measures necessary to control erosion and dewatering plan
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  - a. Watering
  - b. Sweeping
5. Haul Route
  - a. Onsite (equipment shall not leave the work zone as shown in IDOT Project #17-97-020-010)
    - i. See attached
  - b. Offsite (personal vehicles)
    - i. See attached
6. Traffic Entrances
  - a. See attached
7. Hours of Operation
  - a. 6:30AM-7:30PM
  - b. The contractor will make every effort to operate in a safe and efficient manner
8. Duration of Operation
  - a. The anticipated end date to phase 1 is November 2023

PER SECTION 2.02(9) (C )(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

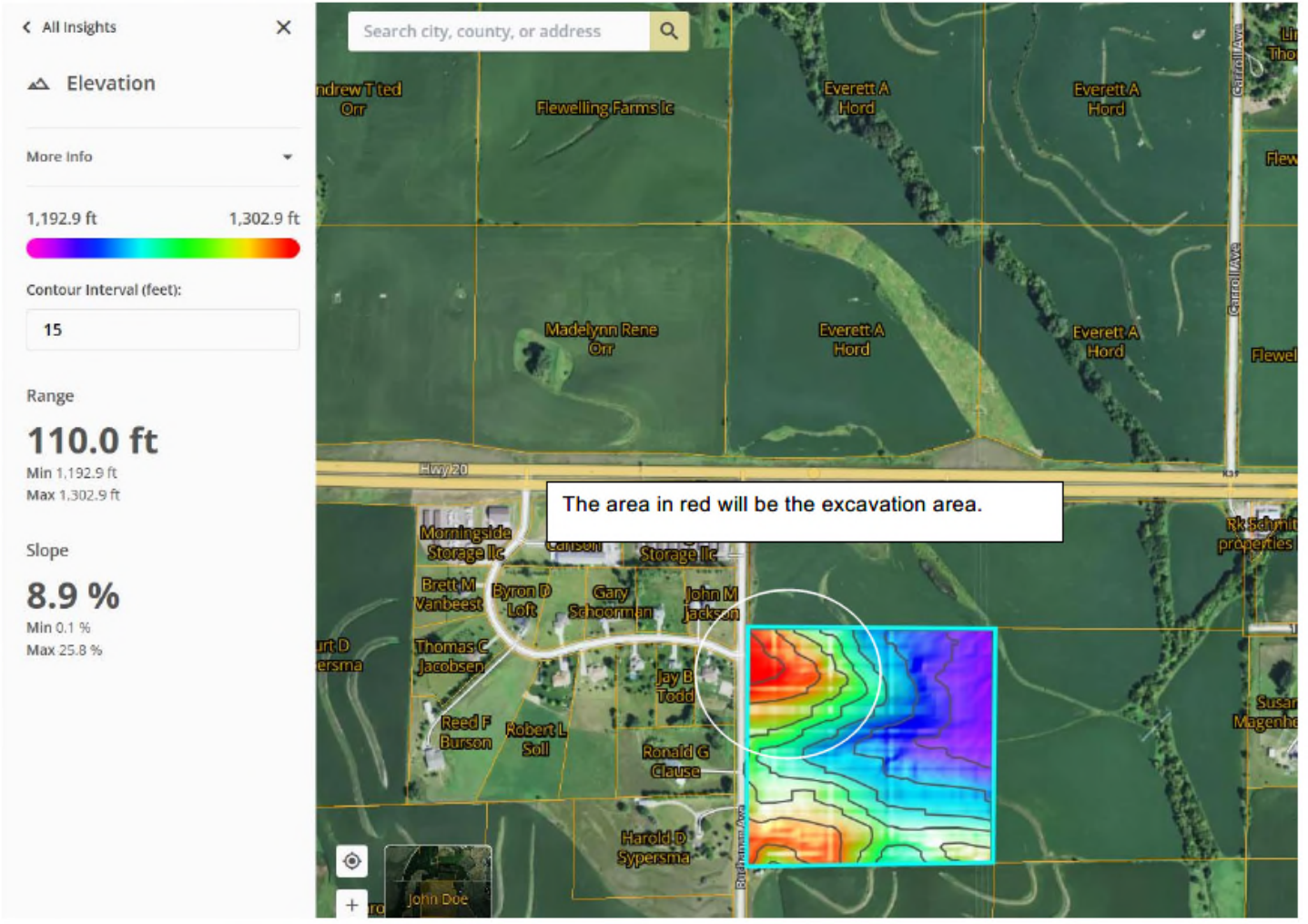
1. Maps
  - a. See attachment

PER SECTION 2.02(9) (C )(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES.

1. Provide a statement to why you feel 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.
  - a. The current zoning is Agricultural Preservation for this borrow area. Borrow pits are allowed under agricultural preservation. The purpose of borrow site is for grading operations of IDOT Project# 17-97-020-010. Borrow area will return to farm land; being re-graded to be less sloped and therefore less erosive.
2. Provide a statement to why 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.
  - a. This parcel is zoned as Agricultural Preservation and is currently used as farm land. The purpose is to borrow earthen material for IDOT Project # 17-97-020-010. In conclusion to the grading of the borrow, the site will be re-graded and farming practices can continue.
3. Provide a statement to why 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.
  - a. The grading of the borrow will have little to no effect on regular traffic as there will already be traffic control in place for the Hwy 20 East Bound Project.
  - b. There may be a short-term closed lane of Buchanan Avenue due to the close proximity of the East borrow and the traveled way of Buchanan Avenue
    - i. This grading will leave Buchanan Avenue aesthetically more pleasing than before
    - ii. See attachment
  - c. The utility companies are moving lines due to the construction of Hwy 20 Project # 17-97-020-010 and the borrow site will not affect those operations
  - d. Vehicular parking and equipment parking will not impose on regular traffic as the work will all be done on the closed part of Hwy 20 East Bound
  - e. Public Health and Safety will not be affected as all equipment traffic from borrows will remain on the closed part of Hwy 20 East Bound project.



4. Provide a statement to why 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.
  - a. The borrow excavation will not impede on the existing conditions of the farm land.
  - b. The excavations will lessen the steepness of the back slope on that area of Buchanan Ave
5. Provide a statement to why essential public facilities and services will adequately serve the proposed use or development.
  - a. These borrow sites are going to be used in the grading of the section Hwy 20 East Bound
6. Provide a statement to why 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.
  - a. There will be one parcel (884702100002) affected by the excavations. This parcel is subject to Archeological testing prior to earthen removal per the State of Iowa therefor no effects of historical features will be disrupted.



More Info

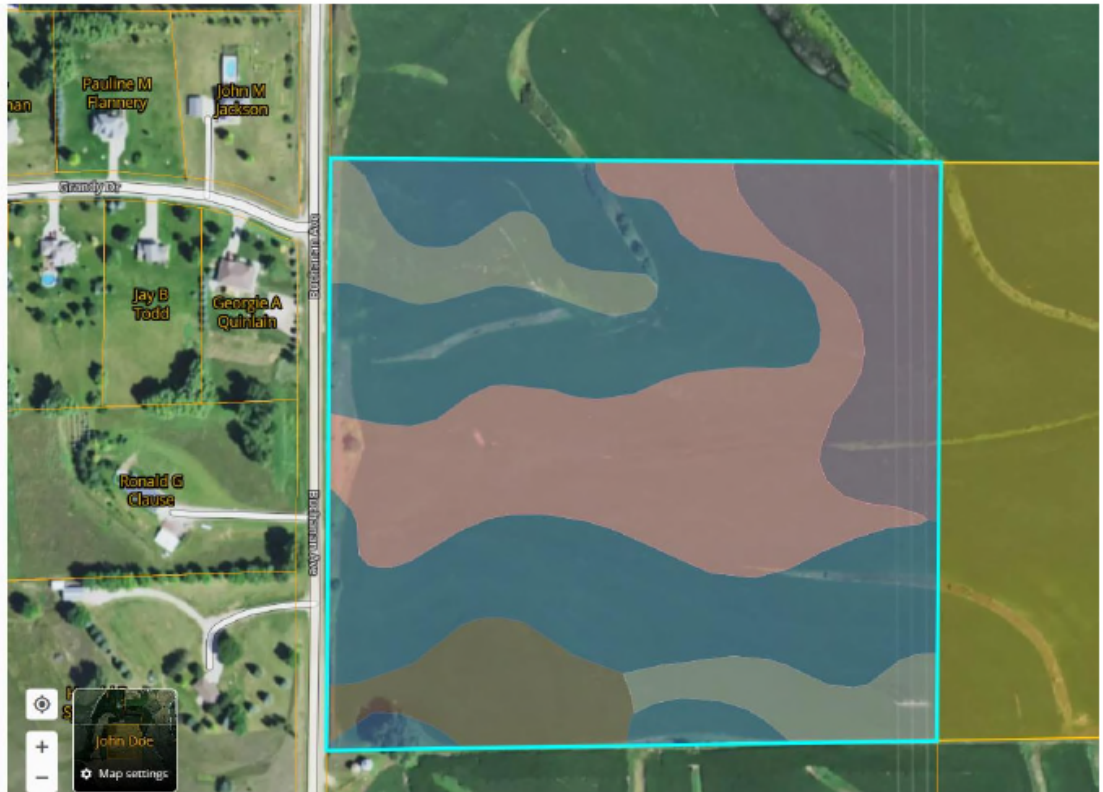
CSR2 NCCPI

Average Soil Score  
CSR2

50 / 100

Summary

Soil Description	CSR2 Score	% of Field
Napier silt loam, 2 to 5 percent slopes	93	11.8%
Napier silt loam, 5 to 9 percent slopes	89	26.4%
Ida silt loam, 5 to 9 percent slopes, severely eroded	58	7.2%
Ida silt loam, 9 to 14 percent slopes, severely eroded	32	10.8%
Ida silt loam, 14 to 20 percent slopes, severely eroded	18	43.8%







Don Hennings East Borrow 2

- Legend
- Existing Contours
  - Proposed Contours

Google Earth

200 ft



GRADING PERMIT APPLICATION  
WOODBURY COUNTY PLANNING & ZONING  
6<sup>TH</sup> FLOOR COURT HOUSE  
620 DOUGLAS STREET  
SIOUX CITY, IOWA 51102

Applicant's Information:

Property Owner(s) Name: Donald Hennings  
Mailing Address: 1970 Garner Ave Merville, IA 51039  
Phone No. \_\_\_\_\_ E-mail Address: alarson@jbhc.biz

Grading Contractor's Information:

Property Owner(s) name: JB Holland Construction  
Mailing Address: 2092 State Hwy. 9 Decorah, IA 52101  
Phone No. 563-382-2901 E-mail Address: lgaunitz@jbhc.biz

Property and location Information:

*Woodbury  
AP*

Property Address: parcel E of intersection: Buchanan Ave. & Grandy Dr. Sioux City, IA 51106  
GIS Parcel Number: 884702100002 Quarter: NW Section 2 Township 88  
Purpose for Grading Permit Application: earthen materials will be used for the grading of DOT Hwy 20 project # NHSX-020-1(179)-3H-97  
Will Earthen Material be removed from the parcel? Yes  No  No. of Cubic Yards 100,000  
Will Earthen Material be brought to the parcel? Yes  No  No. of Cubic Yards \_\_\_\_\_  
Anticipated Start Date of Grading: June 1st, 2023 Anticipated End Date of Grading: November 30th, 2024  
Any Other Information: two phases to DOT Hwy project

*Donald Hennings*  
PROPERTY OWNER(S) SIGNATURE

William F. Holland  
CONTRACTOR'S SIGNATURE  
Digitally signed by William F. Holland  
DN: C=US, E=bholland@jbhc.biz, O=JB  
Holland Construction Inc, CN=William F.  
Holland  
Date: 2023.04.28 07:34:11-05'00'

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
PLANNING AND ZONING DIRECTOR

AFTER THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED, THIS PERMIT BECOMES NULL AND VOID IF GRADING HAS NOT COMMENCED WITHIN 120 DAYS. THE PERMIT EXPIRES TWELVE (12) MONTHS FROM ISSUANCE AND MUST BE RENEWED IF GRADING IS TO CONTINUE.

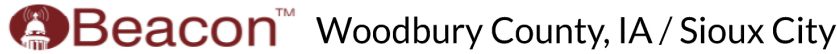
Below -Office Use Only:

Application Number: 6869 Date: 5/1/23  
Parcel's Zoning: AP Parcel's Flood Zone: X Map Panel No: 225D  
Permit Issue Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

# PARCEL REPORT

5/2/23, 3:03 PM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 884702100002



## Summary

**Parcel ID** 884702100002  
**Alternate ID** 821310  
**Property Address** N/A  
**Sec/Twp/Rng** 2-88-47  
**Brief Tax Description** GOVT LOT3 2-88-47  
(Note: Not to be used on legal documents)  
**Deed Book/Page** [2020-03104 \(3/17/2020\)](#)  
**Gross Acres** 36.00  
**Net Acres** 36.00  
**Adjusted CSR Pts** 1799.02  
**Zoning** AP - AGRICULTURAL PRESERVATION  
**District** 0030 WOODBURY/LAWTON-BRONSON  
**School District** LAWTON BRONSON  
**Neighborhood** N/A

## Owner

**Deed Holder**  
[Hennings Joint Trust](#)  
[1970 Garner Ave](#)  
 Merville IA 51039  
**Contract Holder**  
**Mailing Address**  
 Hennings Joint Trust  
 1970 Garner Ave  
 Merville IA 51039

## Land

**Lot Area** 36.00 Acres ; 1,568,160 SF

## Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
2/25/2020	MOEN HELEN G TRUST	HENNINGS JOINT TRUST	2020-0134	NO LONGER USED (formerly Sale of two of more seperately assessed parcels)	Deed	Y	\$0.00

[Show](#) There are other parcels involved in one or more of the above sales:

## Valuation

	2023	2022	2021	2020	2019
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$58,630	\$45,540	\$45,540	\$43,060	\$43,060
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$58,630	\$45,540	\$45,540	\$43,060	\$43,060
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$58,630	\$45,540	\$45,540	\$43,060	\$43,060

## Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

## Woodbury County Tax Credit Applications

[Apply for Homestead, Military or Business Property Tax Credits](#)

**No data available for the following modules:** Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.

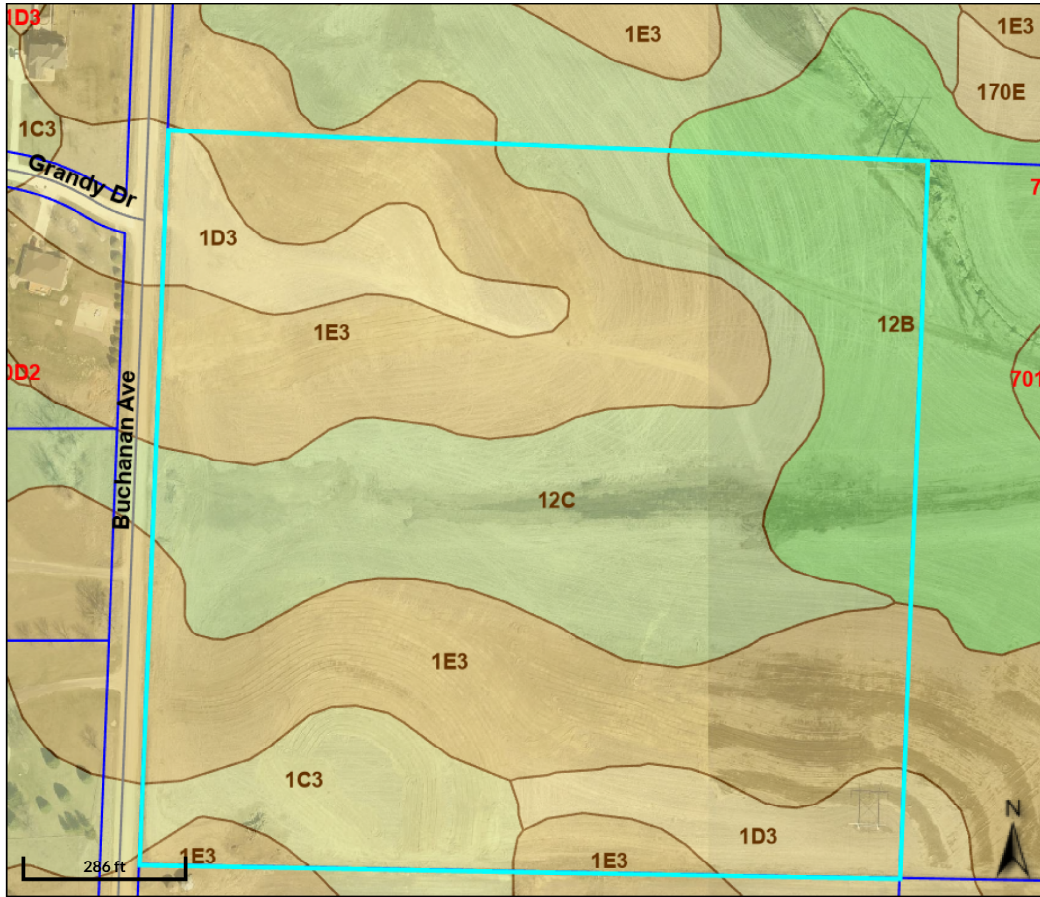


[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

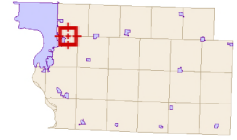
Last Data Upload: 5/2/2023, 11:35:01 AM



**Beacon**<sup>TM</sup> Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Soils
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID	884702100002	Alternate ID	821310	Owner Address	HENNINGS JOINT TRUST
Sec/Twp/Rng	2-88-47	Class	A		1970 GARNER AVE
Property Address		Acreage	36		MOVILLE, IA 51039
District	0030				
Brief Tax Description	GOVT LOT3 2-88-47				
	(Note: Not to be used on legal documents)				

Date created: 5/2/2023  
 Last Data Uploaded: 5/2/2023 12:35:01 PM

Developed by Schneider  
 GEOSPATIAL

## Summary

Parcel ID	884702100002
Gross Acres	36.00
ROW Acres	0.00
Gross Taxable Acres	36.00
Exempt Acres	0.00
Net Taxable Acres	36.00 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	49.99 (1799.48 CSR2 Points / 36 Gross Taxable Acres)

Agland Active Config 2017 CSR2

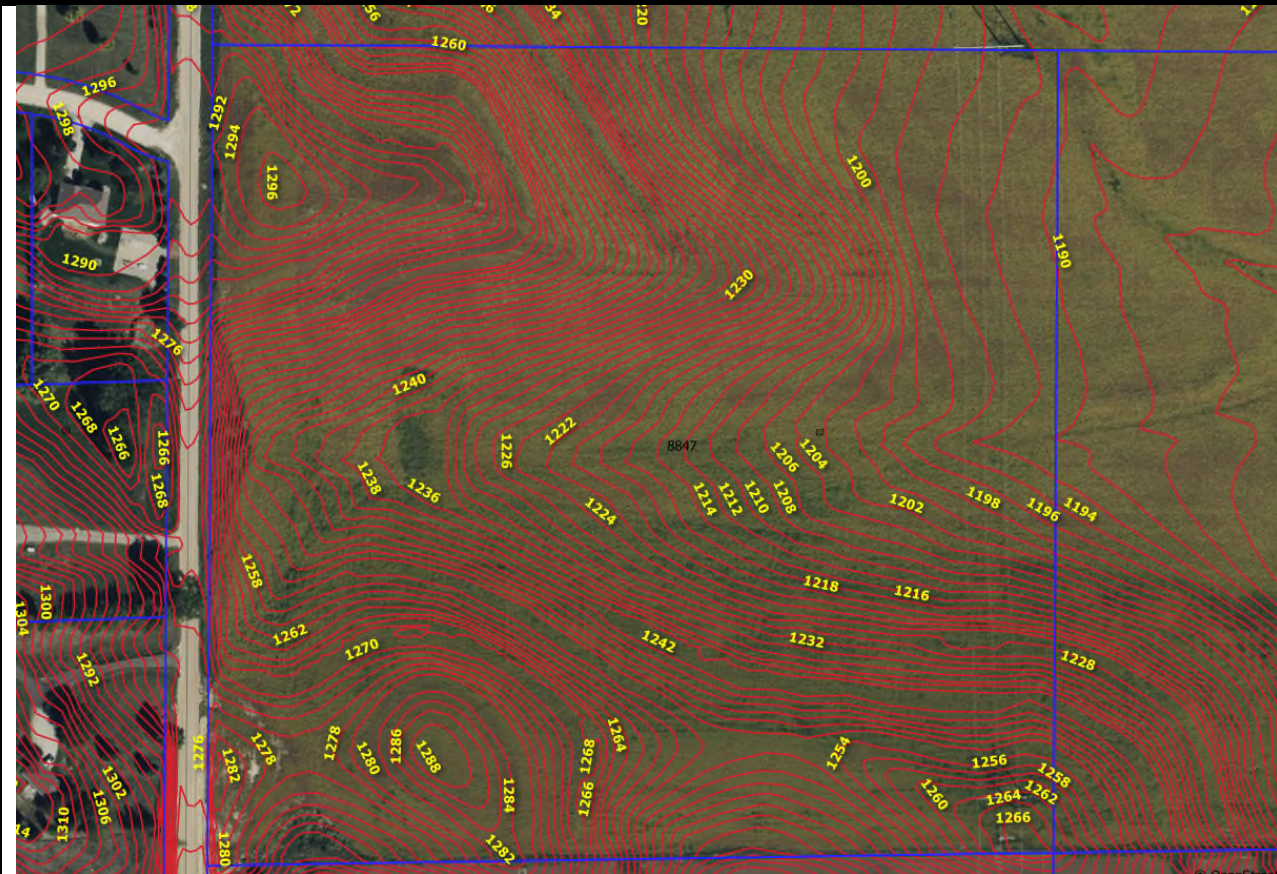
## Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	35.99	49.97	1,798.55	1,798.55
Non-Crop	0.01	93.00	0.93	0.47
<b>Total</b>	<b>36.00</b>		<b>1,799.48</b>	<b>1,799.02</b>

## Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	4.26	396.18	396.18
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	9.47	842.83	842.83
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	2.61	151.38	151.38
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	3.89	124.48	124.48
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	15.76	283.68	283.68
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.01	0.93	0.47
<b>Total</b>				<b>36.00</b>	<b>1,799.48</b>	<b>1,799.02</b>

## ELEVATION IMAGERY



**NPDES #2 Permit – Iowa Department of Natural Resources**



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS  
LT. GOVERNOR ADAM GREGG  
DIRECTOR KAYLA LYON

May 01, 2023

LYDIA GAUNITZ  
JB HOLLAND CONSTRUCTION  
2092 STATE HWY 9  
DECORAH, IA 52101

Re: Authorization of a Storm Water Discharge Associated With Construction Activity  
Iowa Department of Natural Resources, NPDES General Permit No. 2  
DNR Authorization Number: IA - 42710 - 42324  
Facility Name and Location: SE BORROW 3 WOODBURY - CONSTRUCTION, SIOUX CITY, IA

This letter is to acknowledge that a complete Notice of Intent to be covered under Iowa's NPDES Storm Water General Permit No. 2 has been received. Please use the DNR Authorization Number provided above for any future correspondence on this project. By making this Notice of Intent with the DNR, you are committing to meet the terms and conditions in General Permit No. 2. If you do not have a copy of General Permit No. 2 please go to <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water/Permits-Guidance-Forms-or-call> (515)204-9234 and request that a copy be sent to you.

In accordance with the terms and conditions in General Permit No. 2, a pollution prevention plan was to have been developed before the Notice of Intent was submitted to the department. The plan is to be implemented at the start of construction and updated accordingly. The pollution prevention plan and other records are to be kept on-site where the storm water discharge occurs. Unless otherwise requested, you do not need to provide a copy to the DNR.

When the construction project has reached final stabilization as defined in the permit, you must submit a Notice of Discontinuation to the DNR (refer to the summary guidance document). Final stabilization is not achieved for residential and commercial developments until all houses and buildings have been constructed and ground surrounding them has been finally stabilized.

If you have questions, please call me at 515-587-0570 or email at karen.lodden1@dnr.iowa.gov.

Sincerely,

Karen Lodden  
NPDES Section

Enclosure: Permit Authorization Sheet

File No. CON 11 - 34 -- 42710  
IDNR Field Office # 3

DEPARTMENT OF NATURAL RESOURCES / DES MOINES, IOWA 50319 / 515-725-8200 / FAX 515-725-8202



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS  
LT. GOVERNOR ADAM GREGG  
DIRECTOR KAYLA LYON

DEPARTMENT OF NATURAL RESOURCES  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
NOTICE OF GENERAL PERMIT COVERAGE UNDER  
GENERAL PERMIT NO. 2

**STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY**

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567--64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 2. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 2 in accordance with the terms and conditions set forth in the permit.

**Owner:**

HENNINGS JOINT TRUST  
1970 GARNER AVENUE  
MOVILLE IA 51039  
(563)379-3016

**Contact:**

LYDIA GAUNITZ  
JB HOLLAND CONSTRUCTION  
2092 STATE HWY 9  
DECORAH IA 52101  
(563)568-1716

**Permit Coverage Issued To:**

SE BORROW 3 WOODBURY - CONSTRUCTION  
PARCEL EAST OF BUCHANAN AVE AND GRANDY DR  
in SIOUX CITY, WOODBURY COUNTY  
located at

1/4 Section	Section	Township	Range
NW	2	88	47W

**Coverage Provided Through:** 6/1/2026  
**NPDES Permit Discharge Authorization Number:** 42710 - 42324  
**Discharge Authorization Date:** 6/1/2023

**Project Description:** REMOVAL OF EARTHEN MATERIAL FOR THE GRADING OF HWY 20 - 10 ACRES

DEPARTMENT OF NATURAL RESOURCES / DES MOINES, IOWA 50319 / 515-725-8200 / FAX 515-725-8202

**\*\*\* Proof of Publication \*\*\***

STATE OF IOWA  
COUNTY OF WOODBURY

PUBLIC NOTICE OF STORM WATER DISCHARGE  
JB Holland Construction plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity".  
If Construction Activities: The storm water discharge will be in 50% of the 160' x 100' of the Section 2, Township 88 North, Range 47 West, and will be discharged to unimproved streets and waterways in Little Norway Creek. Construction will be addressed in the Storm Water Discharge Construction, Iowa Department of Natural Resources, Environmental Protection Division, 502 E. 9th Street, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8 a.m. to 4 p.m., Monday through Friday, at the above address after it has been received by the department.

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

JB Holland Construction

2092 HWY 9 WEST  
DECORAH IA 52101

ORDER NUMBER 58557

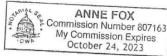
Subscribed and sworn before me in Sioux City, in said County,

this 1st day of May, 2023.

*Shelby Skimsley*

Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 04/29/2023

TOTAL AD COST: 12.88  
FILED ON: 5/1/2023

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**GENERAL PERMIT NO. 2**

**EFFECTIVE DATES**

**MARCH 1, 2023 THROUGH FEBRUARY 29, 2028**

**FOR**

**STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

**NPDES GENERAL PERMIT NO. 2  
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**PART I. COVERAGE UNDER THIS PERMIT**

**A. PERMIT AREA**

This permit covers all areas of the State of Iowa.

**B. ELIGIBILITY**

**1. Authorizations.**

- a. Except for discharges identified under Parts I.B.2. and I.B.3., this permit may authorize the discharge of storm water associated with industrial activity from construction sites, (those sites or common plans of development or sale that will result in the disturbance of one or more acres total land area, including the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more), (hereafter referred to as storm water discharge associated with industrial activity for construction activities), occurring after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit), including storm water discharge associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site. This permit may also authorize areas where soil is placed permanently or temporarily, also known as fill sites.
- b. This permit may authorize storm water discharge from a construction site that is mixed with storm water discharge associated with industrial activity from sources other than construction activities provided that the storm water discharge from the industrial (non-construction) source is in compliance with the terms of a NPDES general permit, other than this general permit, or an individual permit authorizing such discharge. In addition, the storm water other than from construction shall be in compliance with Part IV.D.6. of this permit.

**2. Limitations on Coverage.** The following discharges associated with industrial activity for construction activities are NOT authorized by this permit:

- a. storm water discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A.2. of this permit;
- b. storm water discharges associated with industrial activity for construction activities which are covered by an existing individual NPDES permit or which are issued a permit in accordance with Part I.C. of this permit. Storm water discharges authorized by an existing individual NPDES permit will be eligible to apply for coverage under this general permit as the existing individual permit expires;
- c. storm water discharges associated with industrial activity for construction activities that the Iowa Department of Natural Resources has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- d. new or expanded storm water discharge associated with industrial activity that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters; and
- e. discharges from concrete washout activities and from wet sawing of concrete. Waste from concrete washout and wet sawing of concrete is not allowed to be discharged to surface waters and is not allowed to adversely affect a water of the state.
- 3. Exclusions.** The following storm water discharges associated with industrial activity from construction activities do not require a NPDES permit: discharges from soil disturbing activities from sites where less than 5 acres is disturbed and the soil disturbing activities are due to routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the site and discharges from agricultural and silvicultural activities including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23, concentrated aquatic production facilities as defined in 40 CFR Section 122.24, discharges to aquaculture projects as defined in 40 CFR Section 122.25, and discharges from municipal point sources as defined in 40 CFR Section 122.27.

**C. REQUIRING AN INDIVIDUAL PERMIT**

1. The Department may require any person authorized by this permit to apply for and obtain an individual NPDES permit. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If an owner or operator fails to submit an individual NPDES permit application required by the Department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES application.
2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit the following in accordance with the requirements of subrule 567 IAC 64.3(4):
- a. an individual application, using industrial application Form 1, Form 2F, and Form 5; and,
- b. all applicable fees identified in rule 567 IAC 64.16.
3. When an individual NPDES permit is issued to a discharger covered under this general permit, the applicability of this general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied to a discharger otherwise subject to this permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

**D. AUTHORIZATION**

A discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit in order for storm water discharge associated with industrial activity for construction activities pursuant to Part I.B. of this permit to be authorized to discharge under this general permit.

**PART II. NOTICE OF INTENT (NOI) REQUIREMENTS**

**A. DEADLINES FOR NOTIFICATION**

For storm water discharge associated with industrial activity for construction activities, such activities shall not commence until an authorization has been issued for the project by the Department.

**B. FAILURE TO NOTIFY**

Dischargers who fail to notify the Department of their intent to be covered, and discharge pollutants to water of the United States within Iowa, without an NPDES permit, are in violation of the CWA and the Code of Iowa.

**C. CONTENTS OF AN NOI**

- A complete NOI shall include the items described in Parts II.C.1., II.C.2., and II.C.3. of this permit.
1. A completed NOI form, DNR Form 542-1415, signed in accordance with Parts VI.H. and VI.I of this permit. The information on the form shall include all of the following:
- a. Name, address, and location of the construction site for which this notification is submitted. The location shall be provided as the 1/4 section (NE, SE, SW, NW), township, range, and county where the storm water discharge is located;
- b. The owner's name, address, telephone number, and status (federal, state, private, public or other entity);
- c. The name, address and telephone number of any operator (contractor) that has been identified as having a role in the storm water pollution prevention plan (SWPPP) for the site required under Part IV.D.7. of this permit. Contractors (operators) identified after the submittal of the completed NOI shall be identified in the SWPPP;
- d. The type of discharge (new or existing as related to October 1, 1992); whether or not the discharge is to a municipal separate storm sewer system; the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);

- e. An indication if any existing quantitative data is available describing the concentration of pollutants in storm water discharges. Existing data should not be included as part of the NOI, it should be retained as part of the SWPPP;
- f. A brief description of the project; an estimated timetable for major activities; and, an estimate of the number of acres of the site on which soil will be disturbed; and
- g. A certification that compliance with g.(1), through g.(4), are met:
- g.(1), the SWPPP has been developed before the NOI is submitted to the Department;
- g.(2), the SWPPP will be implemented on October 1, 1992 for any existing storm water discharge associated with industrial activity for construction activities. For a storm water discharge associated with industrial activity for construction activities that commence after October 1, 1992, the SWPPP shall be implemented with the start of construction activities;
- g.(3), the NOI will be included and incorporated into the SWPPP and will be updated as required; and,
- g.(4), the SWPPP provides compliance with Iowa Code section 161A.64 and local sediment and erosion plans and are consistent with the requirements of Part IV of this general permit.
2. **Applicable Fees.** The applicable fees specified in 567 IAC 64.16.
3. **Public Notification.** A demonstration that the public notice specified in 567 IAC 64.6(1)"c"(1) was published at least one day in one newspaper with the largest circulation in the area in which the facility is located or the activity will occur.

**D. WHERE TO SUBMIT**

Facilities which discharge storm water associated with industrial activity for construction activities must submit items described in Part II.C. of this permit to the Department online at: <https://programs.iowadnr.gov/stormwater/pages/home.aspx> or by mail to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9<sup>th</sup> St., Des Moines IA 50319-0034.

**E. REMOTIFICATION**

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit an NOI (no additional public notice is required) with the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

**F. TRANSFER OF COVERAGE UNDER THIS PERMIT**

For storm water discharge associated with industrial activity for construction activities where the ownership changes, the Department must be notified of the title transfer within 30 days. Both the previous owner(s) and the new owner(s) are responsible for notifying the Department of the transfer and the new owner's name and contact information. This requirement shall be satisfied upon the Department's receipt of the notification of this information by either the previous owner(s) or the new owner(s).

If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer that was sent to the Department shall be included in the SWPPP.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than one acre in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the transfer of responsibility is signed. A copy of the notice of transfer of responsibility shall be included in the SWPPP.

**G. NOTICE OF DISCONTINUATION (NOD)**

1. Within 30 days after final stabilization at a construction site (as defined in Part VIII of this permit), the operator or owner of the facility shall submit a Notice of Discontinuation (NOD) to the Department.
2. A NOD shall include the following information:
  - a. the name of the owner/operator to which the permit was issued;
  - b. the general permit number and permit authorization number;
  - c. the date the construction site reached final stabilization; and,
  - d. the following certification signed in accordance with Part VI.H. of this permit:  
I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm water associated with industrial activity for construction activities by Iowa Department of Natural Resources General NPDES Permit No. 2, and that discharging pollutants from storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

**PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**

**A. PROHIBITION ON NON-STORM WATER DISCHARGES**

1. All discharges authorized by this permit shall be composed entirely of storm water except for non-storm discharges listed in Part III.A.2 of this permit.
2. Discharges from firefighting activities; fire hydrant flushings; waters used to wash vehicles in accordance with Part III.C. and Part IV.D.2.c.(2). of this permit; potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents; may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part IV.D.5. of this permit.

**B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES**

Any owner or operator identified in the SWPPP is subject to the spill notification requirements as specified in Iowa Code 455B.386. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition<sup>1</sup> the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

The SWPPP described in Part IV of this permit must be modified within 7 calendar days of knowledge of the release to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the recurrence of such releases and to respond to such releases.

**C. FEDERAL CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES**

- In addition to all other requirements in this permit, all sites and activities required to be authorized under this permit shall comply with the following federal effluent guidelines as applicable to each site and activity.
1. **Erosion and Sediment Controls.** Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
    - a. Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
    - b. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
    - c. Minimize the amount of soil exposed during construction activity;

<sup>1</sup> see Definitions, Part VIII

- d. Minimize the disturbance of steep slopes;
  - e. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff and soil characteristics including the range of soil particle sizes expected to be present on the site; and
  - f. Provide and maintain natural buffers around waters of the United States, direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible.
2. **Soil Compaction and Topsoil Preservation.** Practices to minimize soil compaction and preserve topsoil shall be implemented as described in Part IV.D.2.a.(2).iii. of this permit.
  3. **Soil Stabilization.** Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In drought-stricken areas and areas that have recently received such high amounts of rain that seeding with field equipment is impossible and initiating vegetative stabilization immediately is infeasible, alternative stabilization measures must be employed as specified by the Department. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
  4. **Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
  5. **Pollution Prevention Measures.** Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
    - a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
    - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use); and
    - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
  6. **Prohibited Discharges.** The following discharges are prohibited:
    - a. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
    - b. Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance; and
    - c. Soaps or solvents used in vehicle and equipment washing.
  7. **Surface Outlets.** When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

**PART IV. STORM WATER POLLUTION PREVENTION PLANS (SWPPP)**

A storm water pollution prevention plan (SWPPP) shall be developed for each construction site covered by this permit. SWPPPs shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of the storm water discharge from the construction activities. In addition, the SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharge associated with industrial activity for construction activities at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWPPP required under this part as a condition of this permit.

**A. DEADLINES FOR SWPPP PREPARATION AND COMPLIANCE**

1. **SWPPP Preparation Deadline.** The SWPPP shall be completed prior to the submittal of a NOI to the Department to be covered under this permit and shall be updated as appropriate.
2. **SWPPP Compliance Deadline.** The SWPPP shall provide for compliance with the terms and schedule of the SWPPP prior to the initiation of construction activities.

**B. SIGNATURE AND SWPPP REVIEW**

1. The SWPPP shall be signed in accordance with Part VI.H. of this permit.
2. The permittee shall make SWPPPs available to the Department upon request; or in the case of a storm water discharge associated with industrial activity for construction activities that discharges through a municipal separate storm sewer system with an NPDES permit, shall make the SWPPP available to the municipal operator of the system.
3. The Department may notify the permittee at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the SWPPP and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 3 business days after such notification to make the necessary changes.
4. All SWPPPs received by the Department from the permittee are considered reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22. However, the permittee may claim any portion of a SWPPP as confidential in accordance with Iowa Code Chapter 22 and 561 IAC 2.5.

**C. KEEPING SWPPPS CURRENT**

The permittee shall amend the SWPPP whenever any of the following occurs: (1) there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the U.S. and which has not been addressed in the SWPPP; or (2) if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in Part IV.D.2. of this permit, or (3) the SWPPP fails to otherwise achieve the general objectives of controlling pollutants in storm water discharge associated with industrial activity for construction activities. In addition, the SWPPP shall be updated to: expeditiously change the site map to include changes at the site, including contractors identified after the submittal of the NOI as Co-permittees, described in Part IV.D.7. of this permit; identify any change in ownership or transference of the permit and permit responsibilities; or, if required, by the occurrence of a hazardous condition (as defined in Part VIII of this permit). Amendments to the SWPPP may be reviewed by the Department in the same manner as Part IV.B.2 of this permit.

**D. CONTENTS OF THE SWPPP**

- The SWPPP shall include the following items:
1. **Site Description.** Each SWPPP shall provide a description of the following:
    - a. a description of the nature of the construction activity;
    - b. estimates of the total area of the site and the area of the site that is expected to be disturbed by excavation, grading, or other activities;
    - c. an estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
    - d. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
    - e. the name of the receiving water(s) and the ultimate receiving water(s).
  2. **Controls.** Each SWPPP shall include a description of controls that will be implemented at the construction site. The SWPPP will clearly describe the intended sequence of major activities and for each activity, the appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing

necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address the following minimum components:

**a. Erosion and Sediment Controls**

- a.(1). **Stabilization Practices.** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary or permanent seeding after germination and establishment of vegetative cover of sufficient density and height to preclude erosion has been achieved, as well as mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Temporary or continued stabilization must be implemented and maintained when necessary to prevent erosion of seeded areas prior to the establishment of vegetative cover of sufficient density and height to preclude erosion.
- a.(2). **Structural Practices.** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

a.(2).i For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization of the site has been achieved. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained is not attainable, sediment traps, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

a.(2).ii For drainage locations serving 10 or fewer acres, sediment traps, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area or a sediment basin providing for 3,600 cubic feet of storage per acre drained.

a.(2).iii Unless infeasible, the following measures shall be implemented at all sites: utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters and direct storm water to vegetated areas to both increase sediment removal and maximize storm water infiltration.

The permittee(s) shall minimize soil compaction and, unless infeasible, preserve topsoil. "Infeasible" shall mean not technologically possible, or not economically practicable and achievable in light of the best industry practices. "Unless infeasible, preserve topsoil" shall mean that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed shall remain within the area covered by the applicable General Permit No. 2 authorization. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. The permittee(s) shall control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges and shall control storm water discharges, including both peak flowrates and total storm water volume, to minimize channel and stream bank erosion

and scour in the immediate vicinity of discharge points. An affidavit signed by the permittee(s) may be submitted to demonstrate compliance.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in subrule 567 IAC 64.6(6)), the topsoil preservation requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.

The topsoil preservation requirement described above shall be implemented for projects that have not received an authorization under this permit prior to October 1, 2012. The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012. In residential and commercial developments, a plat is considered a project. For other large areas that have been authorized for multiple construction sites, including those to be started at a future date, such as those located at industrial facilities, military installations and universities, a new construction project not yet surveyed and platted out is considered a project. This stipulation is intended to be interpreted as requiring the topsoil preservation requirements on development plats and construction activities on other extended areas that may have several construction projects permitted under the same authorization to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012 even if other plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

- b. Storm Water Management.** A description of measures that will be installed during construction to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.
- b.(1).** Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; and infiltration of runoff onsite; and sequential systems (which combine several practices). A goal of 80 percent removal of total suspended solids from those flows which exceed redevelopment levels should be used in designing and installing storm water management controls (where practicable). Where this goal is not met, the permittee shall provide justification for rejecting each practice based on site conditions.
- b.(2).** Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions present prior to the initiation of construction activities).
- c. Other Controls.**
  - c.(1).** **Waste Disposal.** All wastes composed of building materials must be removed from the site for disposal in permitted disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
  - c.(2).** Off-site vehicle tracking of sediments shall be minimized.
  - c.(3).** The SWPPP shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

**d. Approved State or Local Plans.** A SWPPP that is submitted by a facility that discharges storm water associated with industrial activity for construction activities must include the procedures and requirements specified in any applicable sediment and erosion site plans or storm water management plans approved by State or local officials. Any requirements specified in sediment and erosion plans, site permits, or storm water management plans approved by State or local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, incorporated by reference and are enforceable under this permit even if they are not specifically included in the SWPPP.

Operators of facilities seeking alternative permit requirements shall submit an individual permit application in accordance with Part I.C.2. of this permit along with a description of why the requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

- 3. Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
- 4. Inspections.** Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days. Unless erosion is evident or other conditions warrant them, regular inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion.
  - a.** Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. When discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
  - b.** Based on the results of the inspection, the storm water pollution prevention measures identified in the SWPPP shall be revised at the construction site as appropriate as soon as practicable after the inspection and added to the SWPPP within 7 calendar days of the inspection. If the permittee determines that making these changes at the construction site within 72 hours of the inspection is impracticable, the permittee shall document in the SWPPP why it is impracticable and indicate an estimated date by which the changes will be made.
  - c.** A report shall be made and retained as part of the SWPPP for at least three years after final stabilization has been achieved and a NOD has been submitted to the Department. The report shall be signed in accordance with Part VI.H. of this permit. The report shall contain the following: a summary of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP and actions taken in accordance with Part IV.D.4.b. of this permit.
- 5. Non-Storm Water Discharges.** Sources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with industrial activity from construction activities must be identified in the SWPPP. Flows from firefighting activities are exempt from this requirement. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
- 6. Additional Requirements for Storm Water Discharge from Industrial Activities Other than Construction, Including Dedicated Asphalt Plants and Dedicated Cement Plants.** This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where all of the following conditions are met:
  - a.** the industrial source other than construction is located on the same site as the construction activity;
  - b.** storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and,
  - c.** storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated cement plants) are in compliance with the terms and conditions, including applicable NOI or

application requirements, of a different NPDES general permit or individual permit authorizing such discharges.

- 7. Contractors.**
  - a.** The SWPPP must clearly identify, for each measure in the SWPPP, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the SWPPP must sign a copy of the certification statement in Part IV.D.7.b. of this permit in accordance with Part VI.H. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All certifications must be included in the SWPPP.
  - b. Certification Statement.** All contractors and subcontractors identified in a SWPPP in accordance with Part IV.D.7.a. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the SWPPP:  
I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site as part of this certification. Further, by my signature, I understand that I am a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the Iowa Department of Natural Resources NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity for Construction Activities at the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and conditions of the storm water pollution prevention plan (SWPPP) developed under this NPDES permit and the terms of this NPDES permit. The certification must include the following:
    - b.(1).** The name and title of the person providing the signature;
    - b.(2).** The name, address and telephone number of the contracting firm;
    - b.(3).** The address (or other identifying description) of the site; and
    - b.(4).** The date the certification is made.

**PART V. RETENTION OF RECORDS**

- A.** For a period of at least three years from the date of the document or the date the site is finally stabilized and a NOD has been submitted, the permittee shall retain copies of SWPPPs, all reports required by this permit, and all records used to complete the NOI.
- B.** If there is a construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the SWPPP required by this permit at the construction site from the date of project initiation to the date of final stabilization. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the SWPPP from the date of project initiation to the date of final stabilization at a readily available alternative site approved by the Department and provide it for inspection upon request. If the SWPPP is maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.
- C. ADDRESSES**  
All written correspondence to the Department shall be emailed to [npdes.mail@dnr.iowa.gov](mailto:npdes.mail@dnr.iowa.gov) or mailed to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9<sup>th</sup> St., Des Moines IA 50319-0034.

**PART VI. STANDARD CONDITIONS**

- A. ADMINISTRATIVE RULES**  
Rules of the Department that govern the operation of a facility in connection with this permit are published in volumes 561 and 567 of the IAC. Reference to the term "rule" in this permit means the designated provision of volume 561 or 567.

**B. DUTY TO COMPLY**

- 1.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and the CWA and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a reissued general permit. Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.
- 2. Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**C. CONTINUATION OF THE EXPIRED GENERAL PERMIT**

This permit expires on February 29, 2028. An expired general permit continues in force until replaced by adoption of a new general permit.

**D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**E. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**F. DUTY TO PROVIDE INFORMATION**

The permittee shall furnish to the Department, within three hours, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

**G. OTHER INFORMATION**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall promptly submit such facts or information.

**H. SIGNATORY REQUIREMENTS**

All NOIs, NODs, SWPPPs, reports, certifications, or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with subrule 567 IAC 64.3(8) as follows:

- 64.3(8) Identity of signatories of operation permit applications.** The person who signs the application for an operation permit shall be:
  - a. Corporations.** In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president in charge of a principal business function or any other person who performs similar policy or decision-making functions; or (2) The manager of manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. Partnerships.** In the case of a partnership, a general partner.
  - c. Sole proprietorships.** In the case of a sole proprietorship, the proprietor.
  - d. Municipal, state, federal, or other public agency.** In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public

agency includes: (1) The chief executive officer of the agency; or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

e. *Storm water discharge associated with industrial activity from construction activities.* In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

**I. CERTIFICATION**

Any person signing documents required by this permit shall make the following certification:  
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

**J. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

**K. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**L. SEVERABILITY**

The provisions of this permit are severable. If any provision of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of any provision to a particular circumstance is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances.

**M. TRANSFERS**

This permit is not transferable to any person except after notice to the Department. The Department may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C of this permit.

**N. PROPER OPERATION AND MAINTENANCE**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit.

**O. INSPECTION AND ENTRY**

The permittee shall allow the Department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Provide access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), and
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.

**P. PERMIT ACTIONS**

Coverage under this permit may be terminated for cause. The filing of a request by the permittee for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Q. ENVIRONMENTAL LAWS**

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**PART VII. REOPENER CLAUSE**

If there is evidence indicating potential or realized impacts or water quality due to any storm water discharge associated with industrial activity for construction activities covered by this permit, the owner or operator of such discharge may be required to obtain individual permit in accordance with Part I.C of this permit.

**PART VIII. DEFINITIONS**

**"Best Management Practices" or "BMPs"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**"Construction site"** means a site or common plan of development or sale on which construction activity, including clearing, grading and excavating, results in soil disturbance. A construction site is considered one site if all areas of the site are contiguous with one another and one entity owns all areas of the site.

**"CFR"** means the Code of Federal Regulations.

**"CWA" or "Clean Water Act"** means the Federal Water Pollution Control Act.

**"Dedicated portable asphalt plant"** means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.

**"Dedicated portable concrete plant"** means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

**"Dedicated sand or gravel operation"** means an operation that produces sand and/or gravel for a single construction project.

**"Department"** means the Iowa Department of Natural Resources.

**"Final Stabilization"** means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70%, sufficient to preclude erosion, for the entire disturbed area of the permitted project has been established or equivalent stabilization measures have been employed, or which is

covered by a permanent structure that ensures the ground surface will not be eroded or otherwise impacted by precipitation or runoff, or which has been returned to agricultural production.

**"Hazardous condition"** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. *Iowa Code § 455B.381(4)*

**"Hazardous substance"** means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. *Iowa Code § 455B.381(5)*

**"IAC"** means the Iowa Administrative Code.

**"Infeasible"** means not technologically possible, or not economically practicable and achievable in light of best industry practices.

**"Municipality"** means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

**"NOD"** means Notice of Discontinuance (see Part II.G. of this permit.)

**"NOI"** means Notice of Intent to be covered by this permit (see Part II of this permit.)

**"Outstanding Iowa Waters"** means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

**"Outstanding National Resource Waters"** means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

**"Permittee"** means the owner of the facility or site.

**"Qualified personnel"** means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

**"Runoff coefficient"** means the fraction of total rainfall that will appear at the conveyance as runoff.

**"Stabilization" or "Soil Stabilization"** means the prevention of soil particles from being dislodged and moving therefore preventing erosion from initiating or continuing.

**"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.

**"Storm water discharge associated with industrial activity"** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in these paragraphs (i) to (x) of this definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under paragraph (k) of this definition);
- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under Section 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those so classified as Standard Industrial Classifications 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;

- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;
- (x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than one acre of total land area. Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

**"Storm water discharge associated with industrial activity for construction activities"** means activities that fall under subparagraph (x) in the definition of storm water discharge associated with industrial activity.

**"SWPPP"** means storm water pollution prevention plan.

**"Topsoil"** means the fertile, uppermost part of the soil containing significant organic matter largely devoid of debris and rocks and often disturbed in cultivation.

**"Uncontaminated groundwater"** means water that is potable for humans, meets the narrative water quality standards in subrule 567 IAC 61.3(2), contains no more than half the listed concentration of any pollutants in subrule 567 IAC 61.3(3), has a pH of 6.5-9.0 and is located in soil or rock strata.

**"Water(s) of the State"** means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the State of Iowa or any portion thereof.



# STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Storm Water Pollution Prevention Plan (SWPPP)  
South East Borrow (3)

## Stormwater Pollution Prevention Plan (SWPPP)

### For Construction Activities At:

South East Borrow (borrow 3)  
Parcel E of Buchanan Avenue & Grandy Drive  
Sioux City, IA 51106

### SWPPP Prepared For:

JB Holland Construction  
2092 State Hwy. 9  
Decorah, Iowa 52101  
(563)382-2901  
jbhc@jhholland.net

### SWPPP Prepared By:

JB Holland Construction  
Lydia Gounitz  
2092 State Hwy. 9  
Decorah, Iowa 52101  
(563)419-1331  
Insert Fax/Email

### SWPPP Preparation Date:

04/25/2023

### Estimated Project Dates:

Project Start Date: 06/01/2023

Project Completion Date: 12/01/2024

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Storm Water Pollution Prevention Plan (SWPPP)  
South East Borrow (3)

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Storm Water Pollution Prevention Plan (SWPPP)  
South East Borrow (3)

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Storm Water Pollution Prevention Plan (SWPPP)  
South East Borrow (3)

## SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

### 1.1 Operator(s) / Subcontractor(s)

#### Operator(s):

JB Holland Construction  
Adam Larson  
2092 State Hwy. 9  
Decorah, Iowa 52101  
563-379-3016  
alanson@jbhc.biz  
Site Supervisor

#### Operator(s):

JB Holland Construction  
Ricky Rosonke  
2092 State Hwy. 9  
Decorah, Iowa 52101  
563-379-3231  
rrosinke@jhholland.net

#### Emergency 24-Hour Contact:

JB Holland Construction  
Lydia Gounitz  
(563)419-1331

### 1.2 Stormwater Team

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Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Lydia Gounitz Safety Director (563)419-1331 lgounitz@jbhc.biz	SWPPP Inspections	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date: 3/7/2023

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**Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4**

Name and/or Position and Contact	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Lydia Gounitz Safety Director 5634191331 lgounitz@jbhc.biz	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input checked="" type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Adam Larson Superintendent 5633793016 al Larson@jbhc.biz	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Ricky Rosonke Foreman 5633793231 rrosonke@jholland.net	<input checked="" type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

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**SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING**

**2.1 Project/Site Information**

**Project Name and Address**

Project/Site Name: South East Borrow  
Street/Location: East of intersection of Buchanan Avenue & Grandy Drive  
City: Sioux City  
State: Iowa  
ZIP Code: 51106  
County or Similar Government Division: Woodbury

**Project Latitude/Longitude**

Latitude: 42.472584° N Longitude: -96.291807° W  
(decimal degrees) (decimal degrees)

Latitude/longitude data source:  Map  GPS  Other (please specify):

**Additional Site Information**

Is your site located on Indian country lands, or on a property of religious or cultural significance to an Indian Tribe?  Yes  No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property:

**2.2 Discharge Information**

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?  Yes  No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances?  Yes  No

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Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?
001	Little Whisky Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**2.3 Nature of the Construction Activities**

**General Description of Project**

Provide a general description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition:

This temporary borrow site will be used for the renovations to the IDOT Hwy 20 Project. This temporary borrow is atop the crest of a farm field and borrowed material will come from less than 10 acres of the 36 acre parcel.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., State disaster declaration or similar State or local declaration), and a description of the construction necessary to reestablish affected public services:

The temporary borrow is being used for the grading on the renovated part of IDOT Hwy 20 Project. No structures will be erected nor are there any building structures on site. Temporary construction trailers may be on site for the duration of the excavation but will not be permanent structures.

Business days and hours for the project: The borrow site is part to a 2+ year Hwy 20 Project and materials will gradually be excavated as JB Holland needs them. The temporary borrow will be operational from 6/2023-11/2023 with the possibility of working 7 days/week during the summer months and tapering to 5 days/week mid fall when the first phase will come to an end. The borrow will again be operational for 2024 until needs are met; not to exceed 12/2024. The borrow pit will be operational throughout the hours of 6:30AM-7:30PM.

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**Size of Construction Site**

Size of Property	36 Acres
Total Area Expected to be Disturbed by Construction Activities	10 Acres
Maximum Area Expected to be Disturbed of Any One Time, Including On-site and Off-site Construction Support Areas	10 Acres

[Repeat as necessary for individual project phases.]

**Type of Construction Site** (check all that apply):

- Single-Family Residential  
  Multi-Family Residential  
  Commercial  
  Industrial  
 Institutional  
  Highway or Road  
  Utility  
  Other, Farm Land

Will you be discharging dewatering water from your site?     Yes    No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site?     Yes    No

**Pollutant-Generating Activities**

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in storm water from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges, and any known hazardous or toxic substances, such as PCBs and asbestos that will be disturbed during construction.

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Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
----------	----------------------	--------------------------	---------------------	-------------------------

<b>Hydraulic Oil/ Fluids</b>	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
<b>Gasoline</b>	Colorless	Petroleum Hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
<b>Antifreeze</b>	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
<b>Wastewater from Construction</b>	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
<b>Temporary Fertilizer</b>	Liquid or solid grains	Nitrogen, phosphorus, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
<b>Permanent Fertilizer</b>	Liquid or solid grains	Nitrogen, phosphorus, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
<b>Erosion</b>	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

**Construction Support Activities**

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):  
This land will be used as a borrow pit and earthen materials will be used for the grading of the IDOT Hwy 20 project.

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**Construction Support Activities**

Contact information for construction support activity:  
JB Holland Construction  
5633822901  
johc@jbholland.net

**2.4 Sequence and Estimated Dates of Construction Activities**

**Phase I**

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	6/1/2023
Estimated End Date of Construction Activities for this Phase	11/30/2023
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization [start date is contingent on Woodbury County Permitting]
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 [controls will be removed once construction activities have ceased]

**Phase II**

Insert General Description of Phase	
Estimated Start Date of Construction Activities for this Phase	1/1/2024
Estimated End Date of Construction Activities for this Phase	12/1/2024
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	Within 14 days of stabilization
Estimated Date(s) when Stormwater Controls will be Removed	12/1/2024 [controls will be removed once construction activities have ceased]

**2.5 Authorized Non-Stormwater Discharges**

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**List of Authorized Non-Stormwater Discharges Present at the Site**

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fire hydrant flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Landscape irrigation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to wash vehicles and equipment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to control dust	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Potable water including uncontaminated water line flushings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
External building washdown [soaps/solvents are not used and external surfaces do not contain hazardous substances]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Pavement wash waters	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated air conditioning or compressor condensate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Foundation or footing drains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated construction dewatering water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**2.6 Site Maps**

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**SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS**

**3.1 Endangered Species Protection**

**Eligibility Criterion**

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- Criterion A: No ESA-listed species and/or designated critical habitat present in action area.** Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

**3.2 Historic Property Screening Process**

**Appendix E, Step 1**

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- Dike
- Berm
- Catch Basin
- Pond
- Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)
- Culvert
- Channel
- Other type of ground-disturbing stormwater control:

**Appendix E, Step 2**

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties?  YES  NO

**3.3 Safe Drinking Water Act Underground Injection Control Requirements**

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**SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES**

**4.1 Natural Buffers or Equivalent Sediment Controls**

**Buffer Compliance Alternatives**

Are there any receiving waters within 50 feet of your project's earth disturbances?  YES  NO

Check the compliance alternative that you have chosen:

- (f) I will provide and maintain a 50-foot undisturbed natural buffer.

**4.2 Perimeter Controls**

**General**

- Silt Fence
- Earthen Berms
- Vegetative Buffer Strips

**Specific Perimeter Controls**

<b>Silt Fence</b>	
<b>Description:</b>	Silt Fence/Earthen Berms
<b>Installation:</b>	6/1/2023
<b>Maintenance Requirements:</b>	Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem. Routine checks every 7 days.
<b>Design Specifications:</b>	

<b>Earthen Berms</b>	
<b>Description:</b>	after stripping topsoil
<b>Installation:</b>	6/1/2023
<b>Maintenance Requirements:</b>	Routine checks every 7 days
<b>Design Specifications:</b>	

**4.3 Sediment Track-Out**

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Do you plan to install any of the following controls? Check all that apply below.

- Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

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**General**

- Stabilized construction exits/entrances
- sweeping

**Specific Track-Out Controls**

<b>Description:</b>	entrances/exits will remain paved until nearing completion and then contractors will rock entrances
<b>Installation:</b>	6/1/2023
<b>Maintenance Requirements:</b>	Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal.
<b>Design Specifications:</b>	

**4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil**

**General**

- Topsoil Stockpiles will be maintained as located in the Appendix
- Construction sequencing will allow areas to be undisturbed until necessary for construction.
- The smallest vegetated area possible will be disturbed during construction.
- Dewatering related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary sedimentation basin on the project site whenever possible. If dewatering discharges cannot be directed toward an existing silt fence, hay bale structure, or ditch check area, filter bags should be used to contain and filter sediment from the dewatering discharge.
- All erosion control measures shall be inspected at every 7 days and within 24 hours of all storm events greater than 0.5 inches. All measures will be maintained in good working order.
- Built up sediment shall be removed from silt fence at the end of the next business day when it has reached 1/2 the height of the fence.
- Temporary and permanent seeding and/or planting areas will be inspected for bare spots and washouts.
- Stabilized construction entrances will be constructed to help reduce vehicle tracking of sediments.
- A weekly written erosion control schedule will be required. It will discuss, among other items listed in the Construction Specification, how related work to offsite drainage will be incorporated into the weekly erosion plan schedule, how the SWPPP is functioning and any necessary changes that need to be discussed. Fines are subject to a maximum penalty of \$10,000 per violation per day by MPCA.
- A maintenance inspection report will be completed by the Contractor and submitted to the Engineer for each inspection.
- All non-hazardous waste materials will be collected and stored in a secure dumpster or another approved containment method at the end of each day.

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- Partially used bags of fertilizer will be transferred to a sealable bin to prevent spills.

**Specific Stockpile Controls**

<b>Silt fence</b>	
<b>Description:</b>	silt fence around down slope of piles
<b>Installation</b>	6/1/2023
<b>Maintenance Requirements</b>	Seed within 14 day rule
<b>Design Specifications</b>	

**4.5 Minimize Dust**

**General**

- Watering

**Specific Dust Controls**

<b>Description:</b> a water truck will be running the span of the worksite to keep the haul route moist and keep the dust down	
<b>Installation</b>	6/1/2023 on going controls
<b>Maintenance Requirements</b>	Continuous control
<b>Design Specifications</b>	

**4.6 Minimize Steep Slope Disturbances**

**General**

- NA
- Slopes on this borrow site will be excavated as to lay at a flatter degree than before excavations

**4.7 Topsoil**

**General**

- Stockpile topsoil

**Specific Topsoil Controls**

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<b>stockpiles</b>	
<b>Description:</b>	seed within 14 day rule
<b>Installation</b>	6/1/2023
<b>Maintenance Requirements</b>	Seed within 14 day rule
<b>Design Specifications</b>	In Appendix

**4.8 Soil Compaction**

**General**

- NA

**4.9 Storm Drain Inlets**

**General**

- NA

**4.10 Constructed Site Drainage Feature**

**General**

- No drainage features needed

**4.11 Sediment Basins or Similar Impoundments**

**General**

- No sediment basins will be used at this time

**Specific Sediment Basin Controls**

<b>Description:</b>	
<b>Installation</b>	
<b>Maintenance Requirements</b>	
<b>Design Specifications</b>	

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**4.12 Chemical Treatment**

**Soil Types**

List all the soil types including soil types expected to be exposed during construction in areas of the project that will be found in fill material:

1D3	1d3 silt loam 9-14% slopes, severely eroded
1E3	1d3 silt loam 14-20% slopes, severely eroded
12C	Naptier silt loam 5-9% slopes
12B	Naptier silt loam 2-5% slopes

**Treatment Chemicals**

List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: NA  
Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: NA

Provide information from any applicable Safety Data Sheets (SDS): Foreman has copies of SDS

Describe how each of the chemicals will be stored consistent with CGP Part 2.2.13c: NA

Include references to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: NA

**Special Controls for Cationic Treatment Chemicals (if applicable)**

If the applicable EPA Regional Office authorized you to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet water quality standards: NA

**Schematic Drawings of Stormwater Controls/Chemical Treatment Systems**

Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: NA

**Training**

Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: NA

**4.13 Dewatering Practices**

**General**

- NA

**Specific Dewatering Practices**

<b>Description:</b>
---------------------

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<b>Installation</b>	
<b>Maintenance Requirements</b>	
<b>Design Specifications</b>	

**4.14 Other Stormwater Controls**

**General**

- Maintain stabilized grassy areas wherever possible throughout the length of the project

**Specific Stormwater Control Practices**

<b>Description:</b>	
<b>Installation</b>	
<b>Maintenance Requirements</b>	
<b>Design Specifications</b>	

**4.15 Site Stabilization**

**Total Amount of Land Disturbance Occurring at Any One Time**

- Five Acres or less
- More than Five Acres

Use this template box if you are not located in an arid, semi-arid, or drought-stricken area and are not discharging to a sediment- or nutrient-impaired water or Tier 2, Tier 2.5, or Tier 3 water.

<input checked="" type="checkbox"/> Vegetative <input type="checkbox"/> Non-Vegetative	
<input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
<b>Description:</b>	
<ul style="list-style-type: none"> <li>Temporary Seeding/Permanent seeding</li> <li>Vegetative strips and undisturbed areas</li> </ul>	
<b>Installation</b>	Ongoing, not to exceed 14 day rule
<b>Completion</b>	6/30/2023
<b>Maintenance Requirements</b>	7 day maintenance check 0-14 day rule
<b>Design Specifications</b>	Rain event maintenance check

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**SECTION 5: POLLUTION PREVENTION CONTROLS**

**5.1 Potential Sources of Pollution**

**Construction Site Pollutants**

Material	Physical Description	Storm Water Pollutant(s)	Location to be Used	Process for Containment
Hydraulic Oil/ Fluids	Brown oily petroleum	Mineral oil	Random leaks	Oil absorbing diapers, trained personnel
Gasoline	Colorless	Petroleum Hydrocarbon benzene	Machinery used in construction	Oil absorbing diapers, trained personnel
Antifreeze	Clear/ green/ yellow	Ethylene glycol, propylene glycol	Machinery used in construction	Trained personnel
Wastewater from Construction	Equipment washing	Water, soil, oil and grease	Not allowed within project limits	
Temporary Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Rapid stabilization areas, topsoil berms, stockpiles	Managed application, certified installers, quick cover plant materials
Permanent Fertilizer	Liquid or solid grains	Nitrogen, phosphorous, potassium, chlorides	Newly seeded areas	Organic base, slow release forms only
Erosion	Solid Particles	Soil, sediment	Project limits	Rapid stabilization measures

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**5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes**

**5.5.1 Building Materials and Building Products**

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

**General**

- No Building materials will be on site

**5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials**

**General**

- JB Holland will not use pesticides, herbicides, insecticides or fertilizers of any kind

**5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals**

**General**

- JB Holland will not have fluids in excess of 55 gallons on site. Fueling practices will be off site of the borrow
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

**5.5.4 Hazardous or Toxic Waste**

(Note: Examples include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, adhesives, curing compounds, and acids.)

**General**

- Fluids for equipment may be considered as hazardous or toxic waste
- Non-hazardous waste such as collected sediment, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes shall be stockpiled at an approved location.
- All non-hazardous waste shall be disposed of properly and in accordance with State recommended methods

**Specific Pollution Prevention Practices**

Equipment Fluids	Description: any leaks or spills will be reported immediately and cleaned up
Implementation	Ongoing controls
Maintenance Requirements	Pre-shift inspections and any time an employee re-enters the equipment
Design Specifications	

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**5.2 Spill Prevention and Response**

- All vehicles left onsite will be monitored for leaks to reduce the chance of contamination.
- Petroleum products will be stored in tightly sealed, properly labeled containers. An effort will be made to store only enough products required to complete the job.
- Products will be kept in their original containers with the original manufacturer's label. Manufacturers' recommendations for proper use and disposal will be followed.
- Materials and equipment necessary for spill cleanup will be kept in the temporary material storage trailer onsite.
- All spills will be cleaned up immediately upon discovery. Spills large enough to reach the storm conveyance system will be reported to the MPCA State Duty Office (800)-422-0798.
- The Contractor shall comply with applicable State and local waste disposal, sanitary sewer, or septic system regulations. In the event of a conflict with other government laws, rules and regulations, the more restrictive laws, rules or regulations shall govern.

**5.3 Fueling and Maintenance of Equipment or Vehicles**

**General**  
**Specific Pollution Prevention Practices**

Secondary containment	
Description:	all fueling stations will be protected by secondary containment but will not likely be on site of borrow
Implementation	Immediately upon move
Maintenance Requirements	Jobsite checks will be periodical and these will be inspected
Design Specifications	

**5.4 Washing of Equipment and Vehicles**

**General**

- NA- equipment washing will not take place on site
- External washing of trucks and construction vehicles will not be permitted.
- Engine degreasing is not allowed on site.

**Specific Pollution Prevention Practices**

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**5.5.5 Construction and Domestic Waste**

(Note: Examples include packaging materials, scrap construction materials, masonry products, lumber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris, and other trash or discarded materials.)

**General**

- No construction waste will be on site
- There will be a waste receptacle outside the borrow site that will be utilized
- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

**5.5.6 Sanitary Waste**

**General**

- No sanitary waste will be on site

**5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release Oils, Cutting Compounds, or Other Materials**

**General**

- All hazardous waste such as oil, gasoline, paint and any hazardous substances must be properly stored. Storage shall include secondary containment or other measures to prevent spills, leaks or other discharges.
- Access to storage areas must be restricted to prevent vandalism.
- Storage and disposal of hazardous waste must comply with manufacturers' recommendations and the State requirements

**5.7 Application of Fertilizers**

**General**

- JB Holland will not be applying fertilizers
- Temporary seeding will be of low native grasses

**5.8 Other Pollution Prevention Practices**

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**SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION**

**6.1 Inspection Personnel and Procedures**

**Site Inspection Schedule**

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

*(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply and indicate which portion(s) of the site it applies to.)*

<p><b>Standard Frequency:</b></p> <p><input checked="" type="checkbox"/> Every 7 calendar days</p> <p><input checked="" type="checkbox"/> Every 14 calendar days and within 24 hours of either:</p> <ul style="list-style-type: none"> <li>A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or</li> <li>A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or</li> <li>A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.</li> </ul>
<p><b>Increased Frequency (if applicable):</b></p> <p><b>For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3</b></p> <p><input type="checkbox"/> Every 7 days and within 24 hours of either:</p> <ul style="list-style-type: none"> <li>A storm event that produces 0.25 inches or more of rain within a 24-hour period, or</li> <li>A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.</li> </ul>
<p><b>Reduced Frequency (if applicable)</b></p>

**Dewatering Inspection Schedule**

<p><b>Dewatering Inspection</b></p> <p><input checked="" type="checkbox"/> Once per day on which the discharge of dewatering water occurs.</p>
--

**Rain Gauge Location (if applicable)**  
Rain Gauge will be off site near jobsite trailer

**Inspection Report Forms**

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**SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES**

-NA

**SECTION 8: CERTIFICATION AND NOTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**6.2 Corrective Action**

**Personnel Responsible for Corrective Actions**  
JB Holland Construction

**Corrective Action Logs**  
Copies will be attached to the SWPPP

**6.3 Delegation of Authority**

**Duly Authorized Representative(s) or Position(s):**

JB Hollanda Construction  
Lydia Gounitz  
Environmental Health & Safety Officer  
2092 State Highway 9  
Decorah, Iowa 52101  
563-382-2901  
Lgounitz@jbhc.biz

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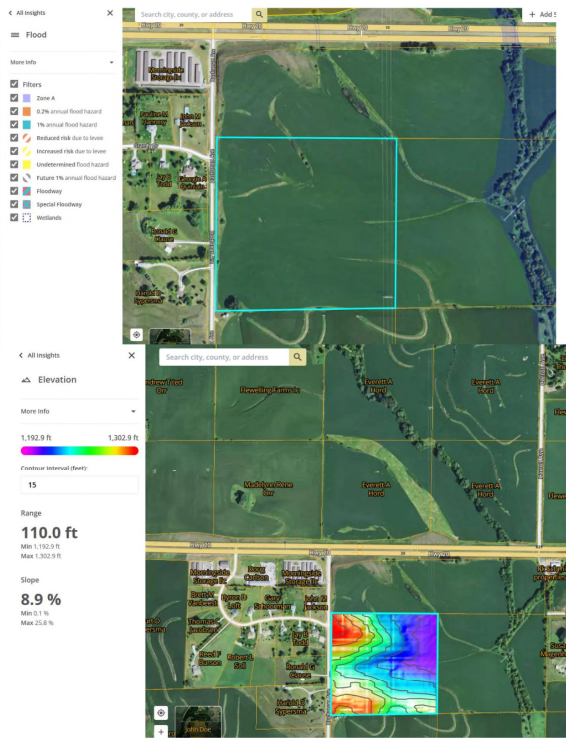
**SWPPP APPENDICES**

Attach the following documentation to the SWPPP:

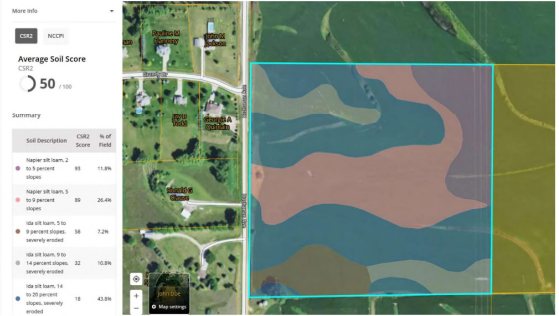
- Appendix A – Site Maps**
- Appendix B – Copy of 2022 CGP**
- Appendix C – NOI and EPA Authorization Email**
- Appendix D – Site Inspection Form and Dewatering Inspection Form (if applicable)**
- Appendix E – Corrective Action Log**
- Appendix F – SWPPP Amendment Log**
- Appendix G – Subcontractor Certifications/Agreements**
- Appendix H – Grading and Stabilization Activities Log**
- Appendix I – Training Documentation**
- Appendix J – Delegation of Authority**
- Appendix K – Endangered Species Documentation**
- Appendix L – Historic Preservation Documentation**
- Appendix M – Rainfall Gauge Recording**
- Appendix N – Turbidity Meter Manual and Manufacturer's Instructions**

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Appendix A – Site Maps



Appendix B – Copy of 2022 CGP



Appendix C – Copy of NOI



Appendix D – Copy of Site and Dewatering Inspection Forms

Appendix E – Copy of Corrective Action Log

Appendix F – SWPPP Amendment Log

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by (Name(s) and Title)

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION  
STORMWATER POLLUTION PREVENTION PLAN

Project Number: \_\_\_\_\_  
 Project Title: \_\_\_\_\_  
 Operator(s): \_\_\_\_\_

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

**I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.**

This certification is hereby signed in reference to the above named project:

Company: JB Holland Construction

Address: 2092 State Hwy 9 Decorah, IA 52101

Telephone Number: (563) 382-2901

Type of construction service to be provided: borrow site for earthen materials

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Temporary or Permanent)	Date When Stabilization Measures Initiated
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
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			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
			<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	

Appendix I – Training Documentation

Appendix J – Delegation of Authority Form

Delegation of Authority

I, \_\_\_\_\_ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), of the \_\_\_\_\_ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

\_\_\_\_\_  
 \_\_\_\_\_ (name of person or position)  
 \_\_\_\_\_ (company)  
 \_\_\_\_\_ (address)  
 \_\_\_\_\_ (city, State, zip)  
 \_\_\_\_\_ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Appendix K – Endangered Species Documentation

**Appendix L – Historic Properties Documentation**

Will be attached when complete

**Appendix M – Rainfall Gauge Recording**

Use the table below to record the rainfall gauge readings at the beginning and end of each work day.

Day	Month/Year		Day	Month/Year		Day	Month/Year	
	Start time	End time		Start time	End time		Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
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23			23			23		
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26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

**Appendix N – Turbidity Monitoring Sampling Documentation**



# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov  
Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

## FINAL REPORT – MAY 31, 2023

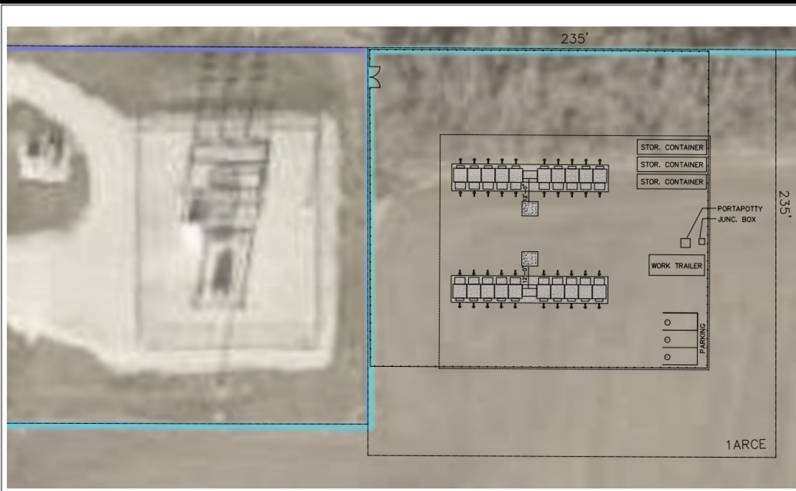
### CONDITIONAL USE PERMIT PROPOSAL - DEMAND RESPONSE LOAD RESOURCE

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p><b>Owner/Applicant(s):</b> Brenden Patricia A Revocable Trust and WIFI LLC</p> <p><b>Application Type:</b> Conditional Use Permit - To place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency</p> <p><b>Zoning District:</b> Agricultural Preservation (AP)</p> <p><b>Total Acres:</b> 1 acre</p> <p><b>Current Use:</b> Farm Ground <b>Proposed Use:</b> Operation of Data Processing Business</p> <p><b>Pre-application Meeting:</b> March 31, 2023</p> <p><b>Application Date:</b> May 1, 2023</p> <p><b>Legal Notice Date:</b> May 20, 2023 (Board of Adjustment)</p> <p><b>Stakeholders' (500') Letter Date:</b> May 18, 2023</p> <p><b>Zoning Commission Review Date:</b> May 22, 2023</p> <p><b>Board of Adjustment Public Hearing Date:</b> June 5, 2023</p>	<p><b>Parcel(s):</b> 864723300010</p> <p><b>Township:</b> T86N R47W (Lakeport Township)</p> <p><b>Section:</b> 23</p> <p><b>Quarter:</b> NW ¼ of the SW 1/4</p> <p><b>Zoning District:</b> Agricultural Preservation (AP)</p> <p><b>Floodplain District:</b> Zone X (Not in Floodplain)</p> <p><b>Address:</b> None</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Summary, Recommendation, Aerial &amp; Proposed Area</li> <li><input type="checkbox"/> Review Criteria</li> <li><input type="checkbox"/> Applicant Comments</li> <li><input type="checkbox"/> Legal Notification</li> <li><input type="checkbox"/> Adjacent Owners' Notification</li> <li><input type="checkbox"/> Stakeholder Comments</li> <li><input type="checkbox"/> Supporting Documentation</li> <li><input type="checkbox"/> Application</li> </ul>

### SUMMARY

WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed for a Conditional Use Permit application “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010 as referenced above. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility use or comparable to the industrial use of research and development laboratories in the sense of data analysis. Therefore, for the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District. Hence, based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets appropriate criteria for approval. Staff recommends approval. The Zoning Commission at their May 22, 2023 meeting voted 5-0 to recommend approval of the conditional use permit “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business.

### SITE PLAN



### AERIAL VIEW



### ZONING COMMISSION AND STAFF RECOMMENDATION

The Zoning Commission at their May 22, 2023 meeting voted 5-0 to recommend approval of the conditional use permit “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business.

Staff recommends approval of the conditional use permit “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business.

#### Suggested Motion:

Motion to approve of the conditional use permit “to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency” for the proposed use to operate a data processing business.

**Minutes - Woodbury County Zoning Commission Meeting – May 22, 2023**

The Zoning Commission (ZC) meeting convened on the 22<sup>nd</sup> of May at 6:00 PM in the basement meeting room in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O’Tool, Tom Bride, Barb Parker  
County Staff Present: Dan Priestley, Dawn Norton  
Public Present: Gayle Palmquist, Tom Treharne, Leo Jochum, JP Baric, Jarrod Ulert, Lydia Gaunitz, Alan Fagan, Adam Larson, Corinne Erickson, Erin Berzina, Doyle Turner

**Call to Order**

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

**Public Comment on Matters Not on the Agenda**

None

**Approval of Previous Meeting Minutes – April 24, 2023**

O’Tool motioned. Second: Bride. Motion carried: 5-0.

**Public Hearing: Homestead 1867 Addition, Second Filing, Minor Subdivision Proposal on Parcel #884405200009**

Priestley read the preliminary report and staff recommendation into the record. John Weaver and Brian Weaver have filed for a two (2) lot minor subdivision to be known as Homestead 1867 Addition, Second Filing on the property identified as Parcel #884405200009. This agricultural subdivision proposal has been properly notified in the Sioux City Journal Legals Section on May 12, 2023. The neighbors within 1000 FT have been duly notified via a May 5, 2023 letter about the May 22, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities and organization have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found the new lot has adequate access. The engineer recommends that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood (SFHA). Extraterritorial review is not required as the property exceeds two (2) miles from an incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets appropriate criteria for approval. Motion to close public hearing: Parker. Second: Meister. Motion approved 5-0. Motion by O’Tool to recommend the approval of the *Homestead 1867 Addition, Second Filing* to the Board of Supervisors with the condition that the owners prepare a clearly written easement agreement to cover issues such as snow removal and maintenance of the shared access driveway and record the easement for the benefit of future owners. Second: Parker. Motion carried 5-0.

**Public Hearing: Public Hearing: Solar Energy Systems Amendments Proposal to Woodbury County Zoning Ordinance. Summary of Proposed Zoning Ordinance Text Amendments:**

Priestly read the proposal into the record. SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS: AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO AMEND PORTIONS OF: *THE TABLE OF CONTENTS*; SECTION 3.03.4 ENTITLED: *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; PORTIONS OF: SECTION 6.02 ENTITLED DEFINITIONS; AND THE RENUMBERING OF DEFINITIONS AND PAGE NUMBERS. THE PROPOSAL IS TO ADD SOLAR ENERGY SYSTEMS (PRIVATE USE) AS ACCESSORY USES IN EACH ZONING DISTRICT AND TO ADD SOLAR ENERGY SYSTEMS (UTILITY SCALE) AS A CONDITIONAL USE IN THE AGRICULTURAL PRESERVATION ZONING DISTRICT AND THE GENERAL INDUSTRIAL ZONING DISTRICT. Priestly explained Amendment #1 addresses and defines accessory solar uses for private landowners. Solar array would be considered an accessory structure and could be permitted with issuance of building permit. Amendment #2 sets uses for commercial or utility scale arrays and would require a conditional use application in the AP and GI Zoning Districts. Amendment #3 addresses the redesign and renumbering of definitions of sections 6.01 and 6.02. Bride discussed net metering, where the electric company would roll back equal for extra energy produced, for benefit of private owners. Parker inquired about A-Slope. Zellmer Zant and Bride discussed the conditional use process as it relates to slope. Motion to close public hearing: O’Tool. Second: Bride. Motion carried 5-0. Bride suggested sending proposal to County Attorney for rewriting to include net metering language for private use arrays before sending the recommendation to the Board of Supervisors. Motion by Bride to include net metering language in the recommendation to the Board of Supervisors to address the private use whether it is net metering or something else to allow on the residential side for private use. O’Tool suggested removing immediate from the motion. Second by Parker. Motion carried 5-0.

**Review of Conditional Use Permit Application: Temporary Borrow Pit on Parcel #884702100002.**

Priestley read the preliminary report and staff recommendation into the record. JB Holland Construction, Inc. (Applicant) and property owner Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The proposed cut area is 8-10 acres. The work area is 10 acres and the total exaction for export is 100,000-15,000 yds<sup>3</sup>. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. The application(s) have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to recommend approval of the temporary borrow pit by O'Tool; Second: Meister. Motion carried: 5-0.

**Review of Conditional Use Permit Application: Operation of Data Processing Business to Place a Demand Response Load Resource Next to the Substation in conjunction with Local Electric utility to Support Grid Resiliency on Parcel #864723300010.**

Priestly introduced the proposal of WIFI LLC (Applicant) and property owners Brenden Patricia A. Revocable Trust have filed a Condition Use Permit application "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. The proposed site is on Parcel #864723300010. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility use or comparable to the industrial use of research and development laboratories in the sense of data analysis. Therefore, the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District. Hence, based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. John Baric provided information sheets for the Commissioners. Motion to receive: Bride; Second: O'Tool. Carried: 5-0. REC has provided a letter of support. The center would even the supply and demand of power and be located next to the Lakeport Substation. Motion by Bride to recommend approval of the conditional use permit "to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency" for the proposed use to operate a data processing business. Second: O'Tool. Motion carried: 5-0.

**Information/Discussion: Woodbury County Comprehensive Plan 2040 Presentation by SIMPCO**

Representatives from SIMPCO gave an overview of the progress and status of the 2040 Comprehensive Plan. The new plan is not set in stone and incorporates the existing plan. A draft plan is complete; however, comments and suggestions can still be submitted to SIMPCO's website or Facebook site. Comment section will end June 16<sup>th</sup>, then will be presented to stakeholders.

**Information/Discussion: Meeting Time and Location for the Woodbury County Zoning Commission as Referenced in the Rules of Procedure**

Staff has been approached to consider a change in meeting time/location of meetings. Zoning Commission discussed the possibly to move meetings to 4:30 or 5:00 PM. Board of Supervisors have input in decision. The Board of Adjustment will also be asked to consider changes.

**Public Comment on Matters Not on the Agenda**

Tom Treharne recommended the new Comprehensive Plan include renewable energy and recommend an amendment to the zoning ordinance to facilitate permitting for activities such as the data processing business that was considered earlier in the meeting.

**Staff Update**

Priestley stated that the 3<sup>rd</sup> reading by the Board of Supervisors of the Wind Ordinance amendment will be on May 23 addressing increased setbacks for cities and conservation areas.

**Adjourn**

Motion to adjourn: Meister. Second: O'Tool. Carried 5-0. Meeting concluded at 7:28 PM.

LEGAL NOTIFICATION FOR BOARD OF ADJUSTMENT PUBLIC HEARING

\*\*\* Proof of Publication \*\*\*

STATE OF IOWA  
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY  
SIOUX CITY IA 51101

ORDER NUMBER 59007

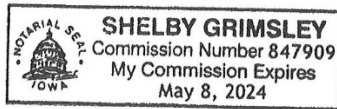
Subscribed and sworn before me in Sioux City, in said County,

this 22nd day of May, 2023.

Tracey Smalley

Shelby Grimsley Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 05/20/2023

TOTAL AD COST: 45.89

FILED ON: 5/22/2023

NOTICE OF PUBLIC HEARINGS BEFORE  
THE WOODBURY COUNTY BOARD OF  
ADJUSTMENT

The Woodbury County Board of Adjustment will hold public hearings on the following items hereafter described in detail on June 5, 2023 at 6:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 285 965 578# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)  
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by WIFI LLC (Applicant) and Patricia Brenden of the Brenden Patricia A Revocable Trust (Ownership). The Conditional Use Permit application request is to place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency for the proposed use to operate a data processing business. The property is located on Parcel #86472330010 in T86N R47W (Lakeport Township) in Section 23 in the NW ¼ of the SW ¼. The property is located about 3 miles northwest of Sloan. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Owner(s) /Applicant(s): Patricia Brenden of the Brenden Patricia A Revocable Trust, 1113 Halls Beach Path, Salix, IA 51052; WIFI LLC, 270 Cornerstone Dr., 101C, Cary, NC 27519.

Item One (2)  
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Adjustment will hold a public hearing to consider the Conditional Use Permit application by owner Donald Hennings of the Hennings Joint Trust (Ownership of Parcel #884702100002) and JB Holland Construction, Inc (Applicant). The Conditional Use Permit request is to establish a temporary borrow site to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow area is located on Parcel #884702100002 in T88N R47W (Woodbury Township), Section 2, on Government Lot 3. The parcel is located on the south side of Highway 20 and is currently used as farm ground. The parcel is located in the Agricultural Preservation (AP) Zoning District and not in the floodplain. Owner(s) /Applicant(s): Donald Hennings of the Hennings Joint Trust, 1970 Garner Ave., Merville, IA 51039; JB Holland Construction, Inc., 2092 State Hwy 9, Decorah, IA 52101.

## PROPERTY OWNER(S) NOTIFICATION

The **four (4)** property owners within 500 FT; and listed within the certified abstractor's affidavit; were notified by an **May 18, 2023** letter of the public hearing before the Woodbury County Board of Adjustment June 5, 2023.

As of **the printing of this packet**, the Community and Development office has received:

- 0 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



Property Owner(s)	Mailing Address				Comments
Terrance M. & Nancy K. Small Revocable Trust	3095 Calhoun Ave.	Salix	IA	51052	No comments.
CHO, LLP: Attn: Charles H. Oehlerking	PO BOX 168	Sergeant Bluff	IA	51054	No comments.
J M Farms Inc	3211 Dallas Ave.	Sloan	IA	51055	No comments.
Patricia A. Brenden Revocable Trust AND Jeffrey L. & Leah B. Brouillette Joint Revocable Trust ATTN: Patricia A. Brenden Revocable Trust	113 Halls Beach Path	Salix	IA	51052	No comments.

## STAKEHOLDER COMMENTS

<b>911 COMMUNICATIONS CENTER:</b>	No comments.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	No comments.
<b>IOWA DEPARTMENT OF TRANSPORTATION (IDOT):</b>	No comments.
<b>LOESS HILLS NATIONAL SCENIC BYWAY:</b>	No comments.
<b>LOESS HILLS PROGRAM:</b>	No comments.
<b>LOGLINES:</b>	No comments.
<b>LUMEN:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	No comments.
<b>MIDAMERICAN ENERGY COMPANY (Electrical Division):</b>	I have reviewed the following conditional use permit for MEC electric and we have no conflicts. – Casey Meinen, 5/8/23.
<b>MIDAMERICAN ENERGY COMPANY (Gas Division):</b>	No conflict for MEC "gas". – Tyler Ahlquist, 5/12/23.
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS):</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 5/16/23.
<b>NUSTAR PIPELINE:</b>	No comments.
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	I have no comments in regard to the proposed conditional use. The parcel is served by a driveway that was constructed at the time of the last improvement to this substation. The access to the site is adequate and exceeds minimum sight distance requirements. – Mark Nahra, PE., 5/15/23.
<b>WOODBURY COUNTY RECORDER:</b>	No comments. Thank you – Diane Swoboda Peterson, 5/8/23.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	<b>SEE LETTER BELOW</b>
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:</b>	The WCSWCD has no comments regarding this CUP request. – Neil Stockfleth, 5/8/23.





Woodbury

*WOODBURY COUNTY  
RURAL ELECTRIC COOPERATIVE*

1495 Humbolt Ave.  
P.O. Box 586  
Moyile, Iowa 51039  
Telephone: (712) 873-3125  
800-469-3125  
Fax: (712) 873-5377

TO: Daniel J. Priestley, MPA, Zoning Coordinator  
Woodbury County Community and Economic Development

SUBJECT: Comments and Concerns Requested – Conditional Use Permit Request  
Parcel #864723300010

Mr. Priestley,

I have received your email dated May 8<sup>th</sup>, 2023, asking the Woodbury County Rural Electric Cooperative to offer any comments or concerns regarding the above-mentioned Conditional Use Permit Request. In summary, we do not have any concerns and we add the following comments.

Woodbury County Rural Electric Cooperative (WCREC) under state law has the obligation to serve all consumers that request electrical service in our assigned electric service area. WIFI LLC, the applicant, has been in discussion with WCREC for several months to determine locations that would be mutually beneficial. This Conditional Use Permit Request is for one location that was identified.

The substations adjacent to the property currently has excess capacity, meaning the amount of electricity demands placed on the substation by current consumers do not utilize the entire substations capabilities. We can provide the power needed to serve WIFI LLC's without expanding or making major improvements to the substation. In addition, WIFI LLC will be a member of WCREC and margins received by providing power to them will contribute towards our operating and administrative costs.

WIFI LLC as an electricity consumer is unique as they can adjust their operations by increasing or reducing power consumption using coordinated signals from their utility provider. This coordinated reduction in consumption is generally done when electric prices are highest or when the grid is experiencing an imbalance. An imbalance is where the overall energy supply is not meeting the overall demand of energy. WIFI LLC can accept a signal from the utility provider to scale back their operations at grid critical times to assist with grid stability and at times when prices are highest. This results in lower costs to the Utility and the Consumer.

We feel WIFI LLC can assist in our economic development efforts in existing business parks by temporarily utilizing excess capacity. It has been my experience working with the State, City, County, and other regional economic development organizations business prospects like shovel ready sites or certified sites with infrastructure in place. Building electric utility infrastructures, like substations is expensive and if built in a business park prior to a permanent occupant a temporary tenant like WIFI LLC can prove beneficial. In addition, as a consumer of electricity they will be subject to state and local taxes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent Amundson', is written over a printed name.

Kent Amundson

General Manager

Owned By Those Served

## ZONING ORDINANCE CRITERIA FOR BOARD APPROVAL

Conditional Use Permits are determined by a review of the following criteria by the Zoning Commission (ZC) and Board of Adjustment (BOA). The ZC makes a recommendation to the BOA which will decide following a public hearing before the Board.

### APPLICANT'S DESCRIPTION OF THE PROPOSED CONDITIONAL USE:

The proposed conditional use will be an Operation of Data Processing Business consisting of two transformers, two electrical switchgears, two modular data-centers and one Tuff Shed Work Area. The dirt work to complete such would be minimal, and not transforming to the land itself. This is slab on grade work with no footings with this style build the land is able to be returned to original state once the lease with the landowner is complete. Traffic for such projects will be limited and the site will be clean and well managed. The sound produced from this site is also limited. (Picture of previous site construction provided)

As we have developed several successful sites throughout Iowa, we have plans to grow to surrounding states as well. Considering this project requires many working parts, there is a well thought out plan in place. Architects are hired to plan out the sites as well as create a well detailed layout per the land itself. After the layout has been decided and approved by the land owners, dirt is moved, conduit is placed underground, pods/buildings are placed. These sites are cut and dry, clean and well organized. These sites will draw attention solely based on curiosity. The site itself is clean, well isolated and minimal in sound.

**PER SECTION 2.02(9) (C )(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.**

Example of a previous site is provided as well as the site plan for the project located in Woodbury County.

### CRITERIA 1:

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

#### Applicant Response:

The property is currently zoned as agricultural. Applicant currently holds a lease with the landowner. The landowner has given permission to build such Data Processing Business on the property. The buildings/containers are slab on grade construction. In previous projects we have been able to utilize a special use permit. With Woodbury County this is not an option, therefore we are applying for a conditional use permit.

We would like to apply for the conditional use permit under the zoning ordinance of UTILITIES.

Utility Substation (AP) (AE) (GC) (GI) : This Data Processing Business will be located directly beside the substation. This will essentially be an extension of the Substation. The power used is excess power unused by the utility. This benefits the CoOp as well as the members. (letter from the utility will be provided in support of this project). This follows the standard Woodbury stands by causing no pollution to the air, water, or land.

We believe that demand side response (DSR) has a vital role to play in the evolution of electricity markets. DSR gives customers more insight and therefore more control. DSR helps to reduce costs across the energy supply chain. Security of supply is improved by enabling everyone to make better use of alternative energy sources. Businesses of all shapes and sizes can make money, reduce their bills and cut their carbon footprint by getting involved in DSR.

#### Staff Analysis:

The Land Use Summary Table (Section 3.03.4) of the Woodbury County Zoning Ordinance does not reference data processing or this specific request by the applicant. However, this can be interpreted under Section 3.03.3 of the Woodbury County Zoning Ordinance as a comparable utility or comparable to the industrial use of research and development laboratories in the sense of business data analysis. Therefore, for the purposes of this request, data processing can be interpreted as a conditional use under section 3.03.3 in the Agricultural Preservation (AP) Zoning District.

### CRITERIA 2:

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

#### Applicant Response:

The purpose of use is a demand response modular data center consisting of two transformers, two electrical switchgear, two modular data-centers and one Tuff Shed Work Area.

Demand side response opportunities: We believe that demand side response (DSR) has a vital role to play in the evolution of electricity markets. DSR gives customers more insight and therefore more control. DSR helps to reduce costs across the energy supply chain. Security of supply is improved by enabling everyone to make better use of alternative energy sources. Businesses of all shapes and sizes can make money, reduce their bills and cut their carbon footprint by getting involved in DSR.

This land will provide jobs in the surrounding community. This would assist “The mix and interrelationships between urban and rural economies and lifestyles is an opportunity to have the best of both worlds.” as listed as a strength of Woodbury Community. The data center would also continue to preserve environmental assets such as abundant clean air and water and resources such as the Loess Hills, Missouri and Little Sioux Rivers and the fertile soils due to no waste, runoff or air pollution.

**Staff Analysis:**

This request is compatible with the Economic Development Goals and Commercial and Industrial Business Goals of the 2005 Woodbury County General Development Plan.

**CRITERIA 3:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

Activities and function of the proposed use will not affect adjacent property or affect the character of the neighborhood, traffic conditions, utility facilities. The proposed use will not have conflicts with or reduce the usefulness or value or create other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare. The proposed use and development will use more renewable energy and add high-tech jobs to the area.

**Staff Analysis:**

Based on the information received, it appears this project will not adversely impact the neighborhood or the other aspects as referenced in Criteria #3.

**CRITERIA 4:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

This is an agricultural area and with no neighborhood, the Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. The business uses slab on grad construction. There will not be disruption to the land, neighborhood, or surrounding property.

These sites are a process. The process starts with the people that believe in bettering the future. Not only is this an extra income for the landowners, but also the community. This access MW is utilized from the utility and substation. While using the extra energy, it is also a source of giving back to the community. On extremely hot days, or days that utilize more energy- this site is able to give back to the community to utilize the extra power when necessary.

**Staff Analysis:**

The plan presented does not appear to adversely impact the items as referenced in Criteria #4.

**CRITERIA 5:**

Essential public facilities and services will adequately serve the proposed use or development (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

We are creating and building local Iowa talent with training programs at the local colleges. As a company we prioritize working locally. We hire local contractors and small businesses to help construct these sites. We utilize the local talent. From electricians, concrete, dirt work, architects, and buildings they are all local businesses.

Each site will support two full time technicians making an average of \$26 per hour. Technicians will receive health care benefits and company house/ utilities. An additional hardin county based support staff will be hired to assist with further site developments and community relations upon the completion of these two facilities. Not only does this site bring in local talent to build parts of our future, this site will also employ others in the community. Applicant will hire on employees/techs to help run the site. While also working to provide internships with local colleges to help educate in the technology field.

**Staff Analysis:**

This location was selected due to its proximity to Woodbury County REC's electrical substation.

**CRITERIA 6:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Applicant Response:**

There will not be disruption to the land, neighborhood, or surrounding property. Although the land is currently zoned as agricultural(rural area with no neighborhood or historic features), it cannot be utilized to its fullest potential due to the substation's location. The location of the site is directly beside the substation, land that is not utilized in the farming culture. Mapping out the site will provide the future farmers with easier access to farming their own land. Healthy balance with traditional agriculture and other business enterprises. The Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. There will not be disruption to the land, neighborhood, or surrounding property

**Staff Analysis:**

This proposal does not appear to significantly impact the items as referenced in Criteria #6.

**OTHER CONSIDERATION 1:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Staff Analysis:**

Locating this business at this location could be construed as adding to the tax-base.

**OTHER CONSIDERATION 2:**

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 (Woodbury County Zoning Ordinance, Sec. 2.02-9).

**Staff Analysis:**

The property owners should consider measures to secure the property.

# SITE PLAN



**ARCHITECTURAL SITE GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
9. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
10. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.

**ARCHITECTURAL SITE PLAN LEGEND**

[Symbol]	STOR. CONTAINER
[Symbol]	STOR. CONTAINER
[Symbol]	STOR. CONTAINER
[Symbol]	PORTAPOTTY JUNC. BOX
[Symbol]	WORK TRAILER
[Symbol]	PARKING

GENERAL NOTES

**NOT FOR CONSTRUCTION**



DECLINER  
 REQUIREMENTS ACCEPTED THE "AS SHOWN" BASIS WITHOUT ANY EXPRESS OR IMPLIED WARRANTY OF FITNESS, MERCHANTABILITY OR ANY WARRANTY THE DATA IS COMPLETE, ACCURATE, OR FREE OF DEFECTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Project Name:  
**MiningStore Iowa  
 Mining Facility  
 @Lakeport**

Drawing Title:  
**Proposed Site Plan**

Scale:  
 As Indicated

PROJECT SITE PLAN  
 SCALE: 1/8"=1'-0"



Example Site.



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

Zoning Ordinance Section 2.02(9) Page 1 of 6

CONDITIONAL USE PERMIT APPLICATION

<b>Owner Information:</b>	<b>Applicant Information:</b>
Owner <u>Brenden Patricia A Revocable Trust</u>	Applicant <u>WIFI LLC</u>
Address <u>1113 Halls Beach Path</u> <u>Salix, IA 5105</u>	Address <u>270 Cornerstone Dr 101C</u> <u>Cary, NC 27519</u>
Phone <u>712-898-9496</u>	Phone <u>877-467-7780</u>

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

To place a demand response load resource next to the substation in conjunction with local electric utility to support grid resiliency.

**Property Information:**

Property Address or Address Range N/A

Quarter/Quarter \_\_\_\_\_ Sec 23 Twtnshp/Range 86-47

Parcel ID # 864723300010 GIS # \_\_\_\_\_ Total Acres 1 acre

Current Use \_\_\_\_\_ Proposed Use Operation of Data Processing Business

Current Zoning \_\_\_\_\_

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date April 27, 2023 Staff present [Signature]

The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner Patricia Brenden Applicant John Paul Baric  
Patricia Brenden (May 11, 2023 08:38 CDT)

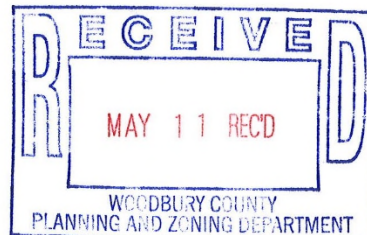
Date 05/11/2023 Date 05/10/2023

Fee: **\$300\*** Case #: 6875

Check #: 100371

Receipt #: \_\_\_\_\_

Date Received



PER SECTION 2.02(9)(C )(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE: (Tab at the end of each line to continue)

The proposed conditional use will be an Operation of Data Processing Business consisting of two transformers, two electrical switchgears, two modular data-centers and one Tuff Shed Work Area.

PER SECTION 2.02(9) (C )(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C )(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel 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.

The property is zoned as agricultural and we are going to use the premises for the operation of a Data Processing Business by using slab on grade construction.

- (b) Provide a statement to why 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. (Tab at the end of each line to continue)

The purpose of use is a demand response modular data center consisting of two transformers, two electrical switchgear, two modular data-centers and one Tuff Shed Work Area. This land will provide jobs in the surrounding community.

- (c) Provide a statement to why 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. (Tab at the end of each line to continue)

Activities and function of the proposed use will not effect adjacent property or affect the the character of the neighborhood, traffic conditions, utility facilities. The proposed use will not have conflicts with or reduce the usefulness or value or create other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare. The proposed use and development will use more renewable energy and add high-tech jobs to the area.

- (d) Provide a statement to why 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. (Tab at the end of each line to continue)

This is an agricultural area and with no neighborhood, the Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. The business uses slab on grad construction. There will not be disruption to the land, neighborhood, or surrounding property.



(e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

We are creating and building local Iowa talent with training programs at the local colleges. We convert energy to wealth by offering trusted data processing solutions through low-cost sustainable energy sources.

(f) Provide a statement to why 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. (Tab at the end of each line to continue)

This is an agricultural area, (rural area) and with no neighborhood, no historic features. The Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. The business uses slab on grad construction and the premises will be returned to original state. There will not be disruption to the land, neighborhood, or surrounding property.

**PER SECTION 2.02(9)(C )(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE:**

The proposed conditional use will be an Operation of Data Processing Business consisting of two transformers, two electrical switchgears, two modular data-centers and one Tuff Shed Work Area. The dirt work to complete such would be minimal, and not transforming to the land itself. This is slab on grade work with no footings with this style build the land is able to be returned to original state once the lease with the landowner is complete. Traffic for such projects will be limited and the site will be clean and well managed. The sound produced from this site is also limited. (Picture of previous site construction provided)

As we have developed several successful sites throughout Iowa, we have plans to grow to surrounding states as well. Considering this project requires many working parts, there is a well thought out plan in place. Architects are hired to plan out the sites as well as create a well detailed layout per the land itself. After the layout has been decided and approved by the land owners, dirt is moved, conduit is placed underground, pods/buildings are placed. These sites are cut and dry, clean and well organized. These sites will draw attention solely based on curiosity. The site itself is clean, well isolated and minimal in sound.

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Example of a previous site is provided as well as the site plan for the project located in Woodbury County.

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**(a) Provide a statement as to why you feel 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.**

The property is currently zoned as agricultural. Applicant currently holds a lease with the landowner. The landowner has given permission to build such Data Processing Business on the property. The buildings/containers are slab on grade construction. In previous projects we have been able to utilize a special use permit. With Woodbury County this is not an option, therefore we are applying for a conditional use permit.

We would like to apply for the conditional use permit under the zoning ordinance of **UTILITIES**.

Utility Substation (AP) (AE) (GC) (GI) : This Data Processing Business will be located directly beside the substation. This will essentially be an extension of the Substation. The power used is excess power unused by the utility. This benefits the CoOp as well as the members. (letter from the utility will be provided in support of this project). This follows the standard Woodbury stands by causing no pollution to the air, water, or land.

We believe that demand side response (DSR) has a vital role to play in the evolution of electricity markets. DSR gives customers more insight and therefore more control. DSR helps to reduce costs across the energy supply chain. Security of supply is improved by enabling everyone to make better use of alternative energy sources. Businesses of all shapes and sizes can make money, reduce their bills and cut their carbon footprint by getting involved in DSR.

**(b) Provide a statement as to why 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. (Tab at the end of each line to continue)**

The purpose of use is a demand response modular data center consisting of two transformers, two electrical switchgear, two modular data-centers and one Tuff Shed Work Area.

Demand side response opportunities: We believe that demand side response (DSR) has a vital role to play in the evolution of electricity markets. DSR gives customers more insight and therefore more control. DSR helps to reduce costs across the energy supply chain. Security of supply is improved by enabling everyone to make better use of alternative energy sources. Businesses of all shapes and sizes can make money, reduce their bills and cut their carbon footprint by getting involved in DSR.

This land will provide jobs in the surrounding community. This would assist "The mix and interrelationships between urban and rural economies and lifestyles is an opportunity to have the best of both worlds." as listed as a strength of Woodbury Community. The data center would also continue to preserve environmental assets such as abundant clean air and water and resources such as the Loess Hills, Missouri and Little Sioux Rivers and the fertile soils due to no waste, runoff or air pollution.

**(c) Provide a statement as to why 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.**

Activities and function of the proposed use will not affect adjacent property or affect the character of the neighborhood, traffic conditions, utility facilities. The proposed use will not have conflicts with or reduce the usefulness or value or create other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare. The proposed use and development will use more renewable energy and add high-tech jobs to the area.

**(d) Provide a statement as to why 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.**

This is an agricultural area and with no neighborhood, the Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. The business uses slab on grad construction. There will not be disruption to the land, neighborhood, or surrounding property.

These sites are a process. The process starts with the people that believe in bettering the future. Not only is this an extra income for the landowners, but also the community. This access MW is utilized from the utility and substation. While using the extra energy, it is also a source of giving back to the community. On extremely hot days, or days that utilize more energy- this site is able to give back to the community to utilize the extra power when necessary.

**(e) Provide a statement as to why essential public facilities and services will adequately serve the proposed use or development.**

We are creating and building local Iowa talent with training programs at the local colleges. As a company we prioritize working locally. We hire local contractors and small businesses to help construct these sites. We utilize the local talent. From electricians, concrete, dirt work, architects, and buildings they are all local businesses.

Each site will support two full time technicians making an average of \$26 per hour.

Technicians will receive health care benefits and company house/ utilities.

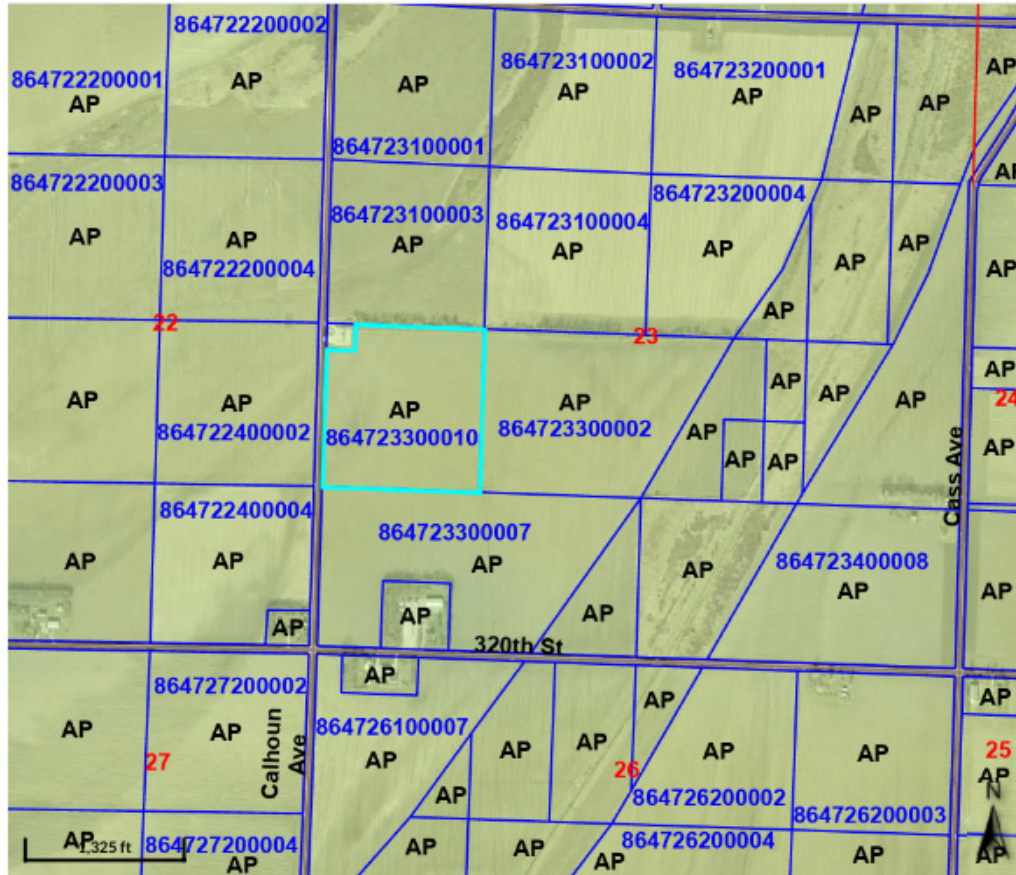
An additional hardin county based support staff will be hired to assist with further site developments and community relations upon the completion of these two facilities.

Not only does this site bring in local talent to build parts of our future, this site will also employ others in the community. Applicant will hire on employees/techs to help run the site. While also working to provide internships with local colleges to help educate in the technology field.

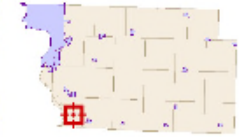
**(f) Provide a statement as to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.**

There will not be disruption to the land, neighborhood, or surrounding property. Although the land is currently zoned as agricultural(rural area with no neighborhood or historic features), it cannot be utilized to its fullest potential due to the substation's location. The location of the site is directly beside the substation, land that is not utilized in the farming culture. Mapping out the site will provide the future farmers with easier access to farming their own land. Healthy balance with traditional agriculture and other business enterprises. The Data Processing Business needs to be close to a substation to use the excess power, and the market has competitive rates. There will not be disruption to the land, neighborhood, or surrounding property.

**Beacon**<sup>TM</sup> Woodbury County, IA / Sioux City



Overview




Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Sections
- ▭ Parcels
- County Zoning
  - AE
  - AP
  - GC
  - GC-PD
  - GI
  - LI
  - LI-PD
  - SR
  - WR

Parcel ID	864723300010	Alternate ID	707236	Owner Address	BRENDEN PATRICIA A REVOCABLE TRUST
Sec/Twp/Rng	23-86-47	Class	A		113 HALLS BEACH PATH
Property Address		Acreage	38		SALIX, IA 51052
District	0042				
Brief Tax Description	LAKEPORT TOWNSHIP NWSW (EX A TCT BEG AT NW COR OF NW SW THNC E 258.21;THNC S 208.71;THNC W 258.21;THNC N 208.71*TO POB) 23-86-47				
	(Note: Not to be used on legal documents)				

Date created: 5/7/2023  
 Last Data Uploaded: 5/5/2023 7:37:59 PM

Developed by Schneider  
 GEOSPATIAL

 **Beacon**<sup>TM</sup> Woodbury County, IA / Sioux City

**Summary**

Parcel ID 864723300010  
 Alternate ID 707236  
 Property Address N/A  
 Sec/Twp/Rng 23-86-47  
 Brief LAKEPORT TOWNSHIP NWSW (EX A TCT BEG AT NW COR OF NW SW THNC E 258.21;THNC S 208.71;THNC W 258.21;THNC N 208.71 TO POB)  
 Tax Description 23-86-47  
 (Note: Not to be used on legal documents)  
 Deed Book/Page [2022-03069 \(3/10/2022\)](#)  
 Gross Acres 38.00  
 Net Acres 38.00  
 Adjusted CSR Pts 2872.19  
 Zoning AP - AGRICULTURAL PRESERVATION  
 District 0042 LAKEPORT/WESTWOOD  
 School District WESTWOOD COMM  
 Neighborhood N/A

**Owner**

**Deed Holder**  
[Brenden Patricia A Revocable Trust](#)  
[113 Halls Beach Path](#)  
 Salix IA 51052

[Brouillette Jeffrey L & Leah B Joint Revocable Trust](#)  
[103 Lakeview CT](#)  
 Salix IA 51052

**Contract Holder**  
**Mailing Address**  
 Brenden Patricia A Revocable Trust  
 113 Halls Beach Path  
 Salix IA 51052

**Land**

Lot Area 38.00 Acres ; 1,655,280 SF

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
3/9/2022	BROUILLETTE LEAH B	BROUILLETTE JEFFREY L & LEAH B JOINT REVOCABLE TRUST	2022-03069	No consideration	Deed		\$0.00
3/9/2022	BRENDEN PATRICIA A	BRENDEN PATRICIA A REVOCABLE TRUST	2022-03036	No consideration	Deed		\$0.00

[Show](#) There are other parcels involved in one or more of the above sales:

**Valuation**

	2023	2022	2021	2020	2019
Classi cation	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$93,590	\$72,710	\$72,710	\$68,740	\$68,740
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$93,590	\$72,710	\$72,710	\$68,740	\$68,740
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$93,590	\$72,710	\$72,710	\$68,740	\$68,740

**Sioux City Special Assessments and Fees**

[Click here to view special assessment information for this parcel.](#)

**Woodbury County Tax Credit Applications**

[Apply for Homestead, Military or Business Property Tax Credits](#)

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.

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[GDPR Privacy Notice](#)

Last Data Upload: 5/5/2023, 6:37:59 PM



Version 3.1.7

ELEVATION MAP



# WHAT IS A COMPREHENSIVE PLAN?

A comprehensive plan is:	A comprehensive plan is <u>not</u> :
<ul style="list-style-type: none"> <li>• A vision for the future</li> <li>• A decision-making guide: what goes where?</li> <li>• A basis for policy</li> <li>• Flexible and adaptive</li> </ul>	<ul style="list-style-type: none"> <li>• A zoning ordinance</li> <li>• A rigid, unchanging policy</li> <li>• Specific in scope</li> <li>• The only planning tool used by the county</li> </ul>

## Draft Vision Statement



Woodbury County is a place where:

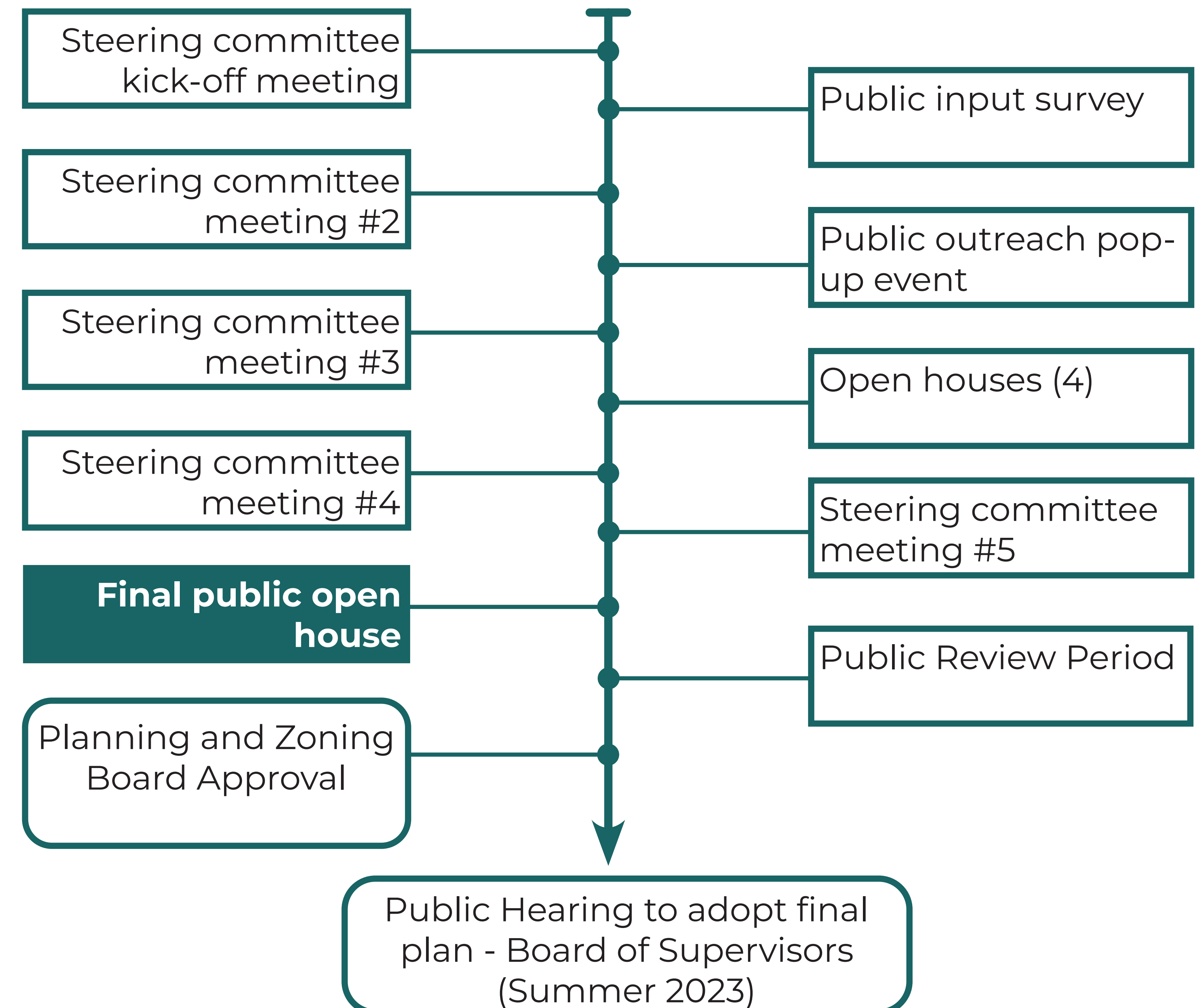
- **rural character** and a **strong sense of community** are shared;
- **land development** is managed in a way that complements and **enhances the County's character** and **upholds residents' ideals**;
- economic development is rooted in a **diverse, agriculture-based economy**, focused on opportunities to grow and **enhance existing businesses and industry**, provide a supportive environment for **new enterprises**, and develop a **robust workforce**;
- conservation and **stewardship of natural resources** is a matter of pride and shared ownership;
- demand for a **quality and affordable standard of living** is met;
- government exists to **serve people and to protect the public health, safety, and welfare to ensure a prosperous and resilient future.**



Follow the project on Facebook to stay up to date!  
[facebook.com/WoodburyCoCompPlan2040](https://facebook.com/WoodburyCoCompPlan2040)



## Plan Timeline





# HOUSING

## Goals

### Improve the condition of existing housing stock to ensure homes are safe, efficient, and resilient.

- Provide rehabilitation assistance resources for homeowners living in historic or outdated structures.
- Target outreach to minority and under-resourced communities to ensure that information and resources are equitably distributed.
- Target outreach to homeowners that may be impacted by disasters, in need of septic system updates, lead abatement, or other immediate safety concerns.

### Increase the variety of housing options to maximize affordability and availability for residents of all income levels.

- Encourage flexible zoning to allow for home additions and accessory units.
- Increase the quantity of high quality, affordable rental



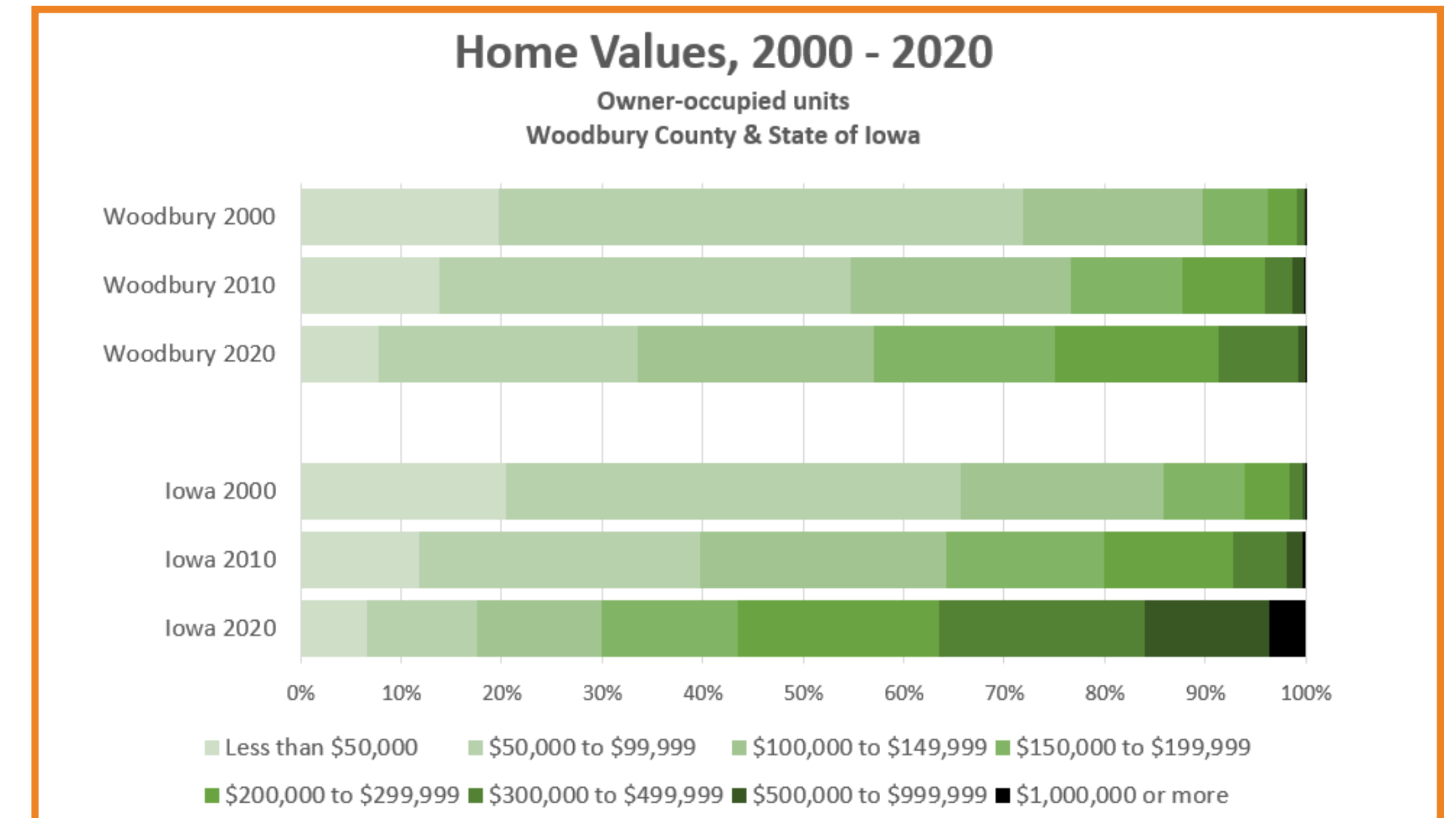
Image source: Iowa Land Company

units by encouraging the development of a variety of multi-family housing options within incorporated cities that meet the diverse needs of residents of all ages.

- Increase the number of affordable housing units in Woodbury County.
- Encourage the development of upper story units above downtown store fronts to introduce additional housing variety in small towns.

### Preserve the rural character of the county.

- Limit density in rural areas outside of incorporated cities.
- Protect agricultural land, wildlife habitat, and outdoor recreational land.
- Prioritize new development to locate adjacent to existing town limits, and prioritize the rehabilitation of existing structures, infill development, and brownfield redevelopment.

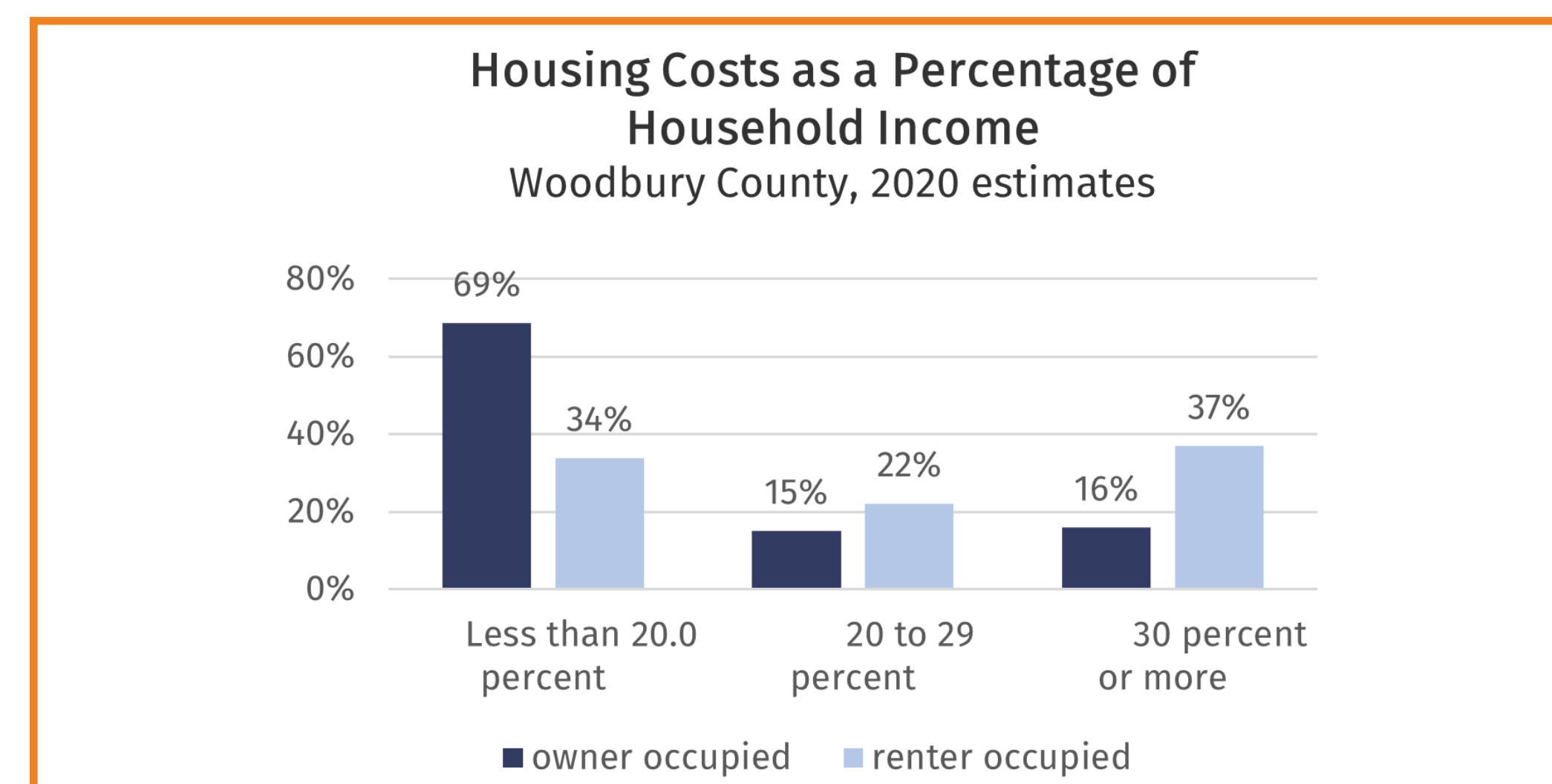
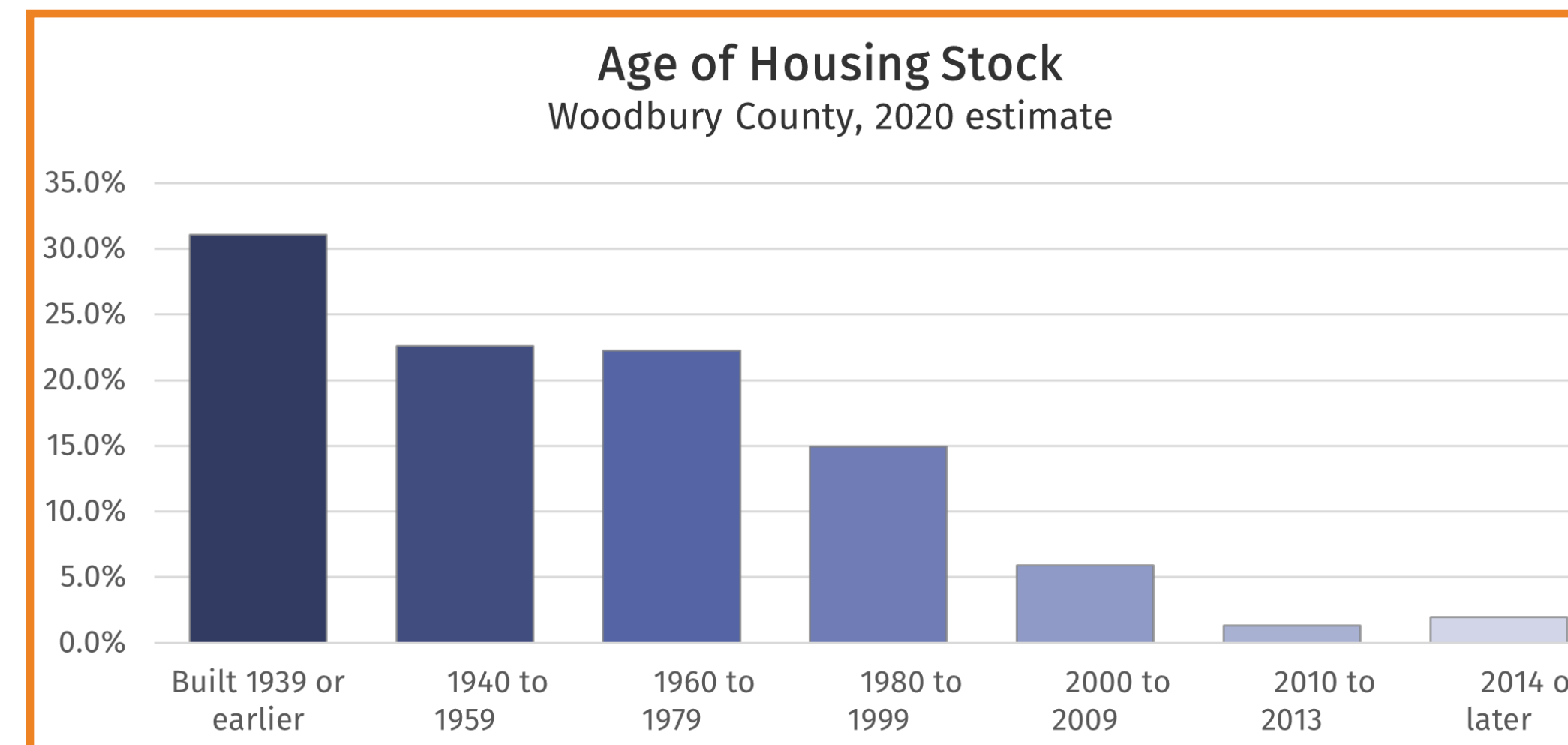


### Expand access to safe, high-quality housing for all residents of Woodbury County.

- Direct funding toward the provision of high-quality, affordable housing options for vulnerable populations: low-income residents, seniors, and residents with disabilities.
- Direct funding toward emergency shelters, housing, and social work services for homeless individuals living in the county.
- Connect residents with funding opportunities that provide financial assistance for housing rehab.

### Assist residents in the path from renting to becoming homeowners.

- Connect residents with information and resources that aid in the purchase of homes, such as down payment assistance grants for first time or low-income residents, and low-cost financial counseling. Particular care should be taken to reach out to residents of color and immigrant communities with these opportunities; providing resources, information, and support in residents' native language when applicable.



# ECONOMIC DEVELOPMENT

## Goals

### **Coordinate economic development initiatives with regional priorities.**

- Coordinate economic development initiatives with the Comprehensive Economic Development Strategy (CEDS) Committee and refer to the CEDS document to ensure alignment with the goals and strategies therein.

### **Maintain core industries that are the backbone of Woodbury County's economy by marketing Siouxland as a regional center for food production and related agricultural industries.**

- Maintain Woodbury County's ACT® Work Ready Community status.
- Continually communicate with industry leaders to identify emerging in-demand skills and qualifications.
- Work with local colleges and high schools to continually improve training opportunities for students to learn in-demand skills necessary to support the region's industry clusters.
- Coordinate across jurisdictions to assist in the marketing and promotion of the county's Certified Sites.

### **Encourage the diversification of Woodbury County's economy, in support of small businesses which generate nearly half of all economic activity nationwide, as well as larger enterprises.**

- Coordinate with city jurisdictions of Woodbury County to offer access to supportive resources, networking opportunities, and financial information for residents interested in starting a small business.
- Maintain partnership with Iowa's West Coast Initiative to develop economic opportunities in the Siouxland region.
- Consider the development of alternative energy industry partnerships.
- Provide language supports for non-English speaking business owners, prospective business owners, and employees where necessary.

### **Work to enhance Woodbury County's quality of life to draw and retain families, employees, and residents of all ages in the region.**

- Continue to invest in innovative improvements such as recreation and entertainment opportunities.
- Build upon unique assets of the county, such as natural features and historical resources to create enriching cultural experiences for residents.
- Improve access to internet connectivity by investing in broadband infrastructure.

### **Ensure that educational and economic opportunities are equitably accessible to all residents regardless of race, age, sex, religion, or ability.**

- Continue to identify and facilitate access to appropriate supports and resources for residents struggling with poverty.
- Work across jurisdictions and with underrepresented populations, such as people of color, low-income residents, and those with disabilities, to identify barriers to educational access and provide appropriate services and support.
- Actively market educational and job opportunities to underrepresented communities.

### **Encourage healthy lifestyles to maximize residents' quality of life.**

- Support the expansion of health services such as clinics and exercise facilities in rural areas.
- Refer to the Siouxland District Health Department's Health Needs Assessment and Health Improvement Plan for guidance and consider the health and wellness impacts of all county activities, programs, and policies.
- Support education for regular wellness exams to increase early detection of serious illness.



Image source: MessengerNews.net

# TRANSPORTATION

## Goals

### Prioritize user safety across all transportation modes in Woodbury County.

- Continually seek to improve safety for all transportation users.
- Continue to rehabilitate or replace poorly-rated bridges.
- Continue to work with Iowa DOT and the public to identify highways in need of maintenance or resurfacing.
- Work with municipal and state jurisdictions to address sources of frequent traffic incidents.
- Provide safety-enhancing infrastructure dedicated to bicyclists and pedestrians to reduce conflicts between these users and vehicles.
- Seek funding for railroad crossing safety improvements.
- Incorporate principles of the Federal Highway Administration's Safe System Approach into roadway design to reduce crash frequency and severity.

### Ensure equitable access to Woodbury County's transportation system for all residents.

- Promote the Siouxland Regional Transit System throughout the county, making information available in Spanish and other frequently-spoken languages..

- Consider the needs of all transportation users, especially those who have mobility limitations due to physical, intellectual, or developmental disability; age; income; or language barriers.
- Support the use of alternative modes of transportation with the installation of infrastructure such as bicycle facilities, sidewalks, trails, and greenways.

### Mitigate the environmental impacts of transportation projects while proactively seeking opportunities for long-term transportation sustainability investments.

- Take advantage of federal and state funding to expand infrastructure for electric vehicles throughout the county, including rural areas.
- Preserve scenic views, open space, and historic or cultural features along the Loess Hills National Scenic Byway.
- Refer to the Environmental Mitigation Activities of the SRTPA Long Range Transportation Plan before and throughout all transportation planning and development activities.
- Collaborate with environmental stewardship organizations to determine the potential consequences of

transportation projects for natural and cultural resources, and residents' health. Care should be taken to avoid or minimize these impacts.

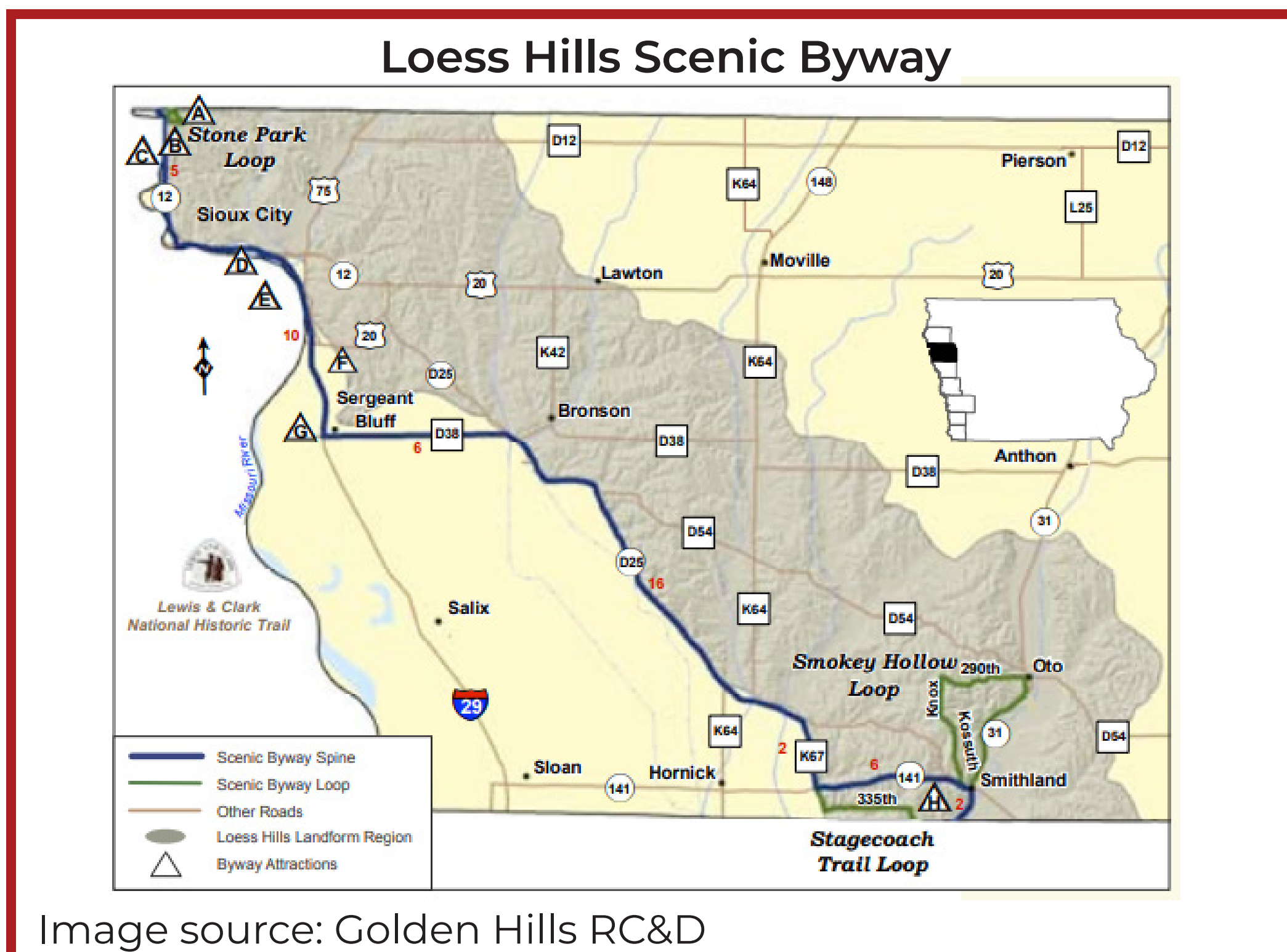
- Work with the Siouxland Regional Transit System to promote public and shared transit opportunities to employers, such as vanpooling.
- Partner with municipalities to develop carpooling lots where residents can leave vehicles during work hours.

### Expand the network of multi-use trails in Woodbury County.

- Collaborate with the Woodbury County Conservation Board to maintain and expand the County trail system.
- Strive to make regional trail connections between the trail systems of County and municipal parks.
- Align County trail plans with the vision, goals, strategies, and recommendations of the Iowa Department of Transportation's Bicycle and Pedestrian Long Range Plan.

### Maintain the quality and efficiency of high priority roadways that are essential to the regional economy.

- Prioritize higher-volume roadways and those that are used to transport goods, such as farm to market routes, roadways along industrial and commercial corridors, and roadways connecting to intermodal facilities for rehabilitation and repair.
- Encourage projects that increase efficiency, minimize congestion, and reduce energy expenditure.
- Consider life cycle costs in decision-making, taking into account the cost of maintaining new infrastructure in the long-term.
- Where possible, prioritize improvement of existing systems over expansion of new infrastructure.
- Support the maintenance and expansion of commercial airline service in Sioux Gateway Airport.
- Support the establishment of additional barge terminals on the Missouri River where river conditions allow.
- Support efficient development of commercial and industrial operations in the Southbridge Interchange region.



# PUBLIC INFRASTRUCTURE & UTILITIES

## Goals

### Expand upon publicly available information on the Woodbury County website.

- Electronically publish up-to-date planning documents, meeting information, and maps for all county departments.
- Share County data in a downloadable, practical format.

### Encourage energy efficiency for residential, commercial, and industrial consumers in Woodbury County.

- Bring awareness to energy efficiency incentive and assessment programs available through MidAmerican Energy and Woodbury County REC.

### Support technological advances in energy production.

- Work with energy providers to diversify and expand energy sources.

### Ensure safe drinking water for all rural Woodbury County residents

- Provide educational materials about the importance of regular well inspections and bring awareness to free well inspections offered by the county
- Maintain compliance with state and federal standards for community water systems

### Protect ground and surface water from contamination.

- Seal and regularly inspect wellheads that are no longer in use.
- Provide resources and information to rural residents about septic system maintenance.
- Provide information to realtors about the time of transfer process for septic system inspection when selling properties.
- Connect farmers and ranchers with technical assistance and resources for preventing fertilizer and animal waste runoff.
- Encourage the use of green infrastructure for stormwater management where water carrying concentrated contaminants is likely to be intercepted.
- Align County Conservation Board actions with the

goals and strategies outlined in Iowa's Nonpoint Source Management Plan and collaborate with the Iowa Department of Natural Resources to mitigate nonpoint source water pollution.

### Encourage practices that increase water efficiency amongst County residents, commercial establishments, institutions, and municipal utilities.

- Encourage the use of strategies and best practices outlined in the Iowa Association of Municipal Utilities' efficiency planning and conservation workbook, Water-Wise.
- Adopt water saving practices in County buildings.

### Improve internet access for rural Woodbury County residents.

- Take advantage of federal and state sources of funding to improve broadband infrastructure in rural areas.

### Expand cellular service in rural Woodbury County.

- Coordinate with telecommunications companies to address areas with poor reception

### Promote waste reduction and recycling practices.

- Encourage and educate on innovative initiatives such as community composting, yard waste disposal, institution-level waste reduction plans (government, schools, festivals, event spaces), and repurposing/repairing/borrowing/trading used items.
- Reduce and enforce illegal dumping in rural Woodbury County.
- Provide education on handling and disposal of trees and brush.
- Coordinate across jurisdictions to address waste management gaps identified in the 2020 Municipal Solid Waste (MSW) Satisfaction Survey that was distributed in development of the Woodbury County Area Solid Waste Agency's Comprehensive Plan.
- Participate in the State of Iowa's Solid Waste Environmental Management Systems (EMS) program.

- Coordinate across regional jurisdictions to improve access to recycling services in rural areas.
- Implement and encourage the utilization of programs and best practices provided by the Iowa Department of Natural Resources' Financial and Business Assistance (FABA) department.
- Consider results of the Iowa Statewide Waste Characterization Study in goal setting and when planning the creation or expansion of waste management services and programs.

### Expand the network of public electric vehicle charging stations to rural Woodbury County.

- Continue work with other local, regional, and state leaders to develop an electric vehicle infrastructure plan.
- Apply for federal and state funding for rural electric vehicle infrastructure.

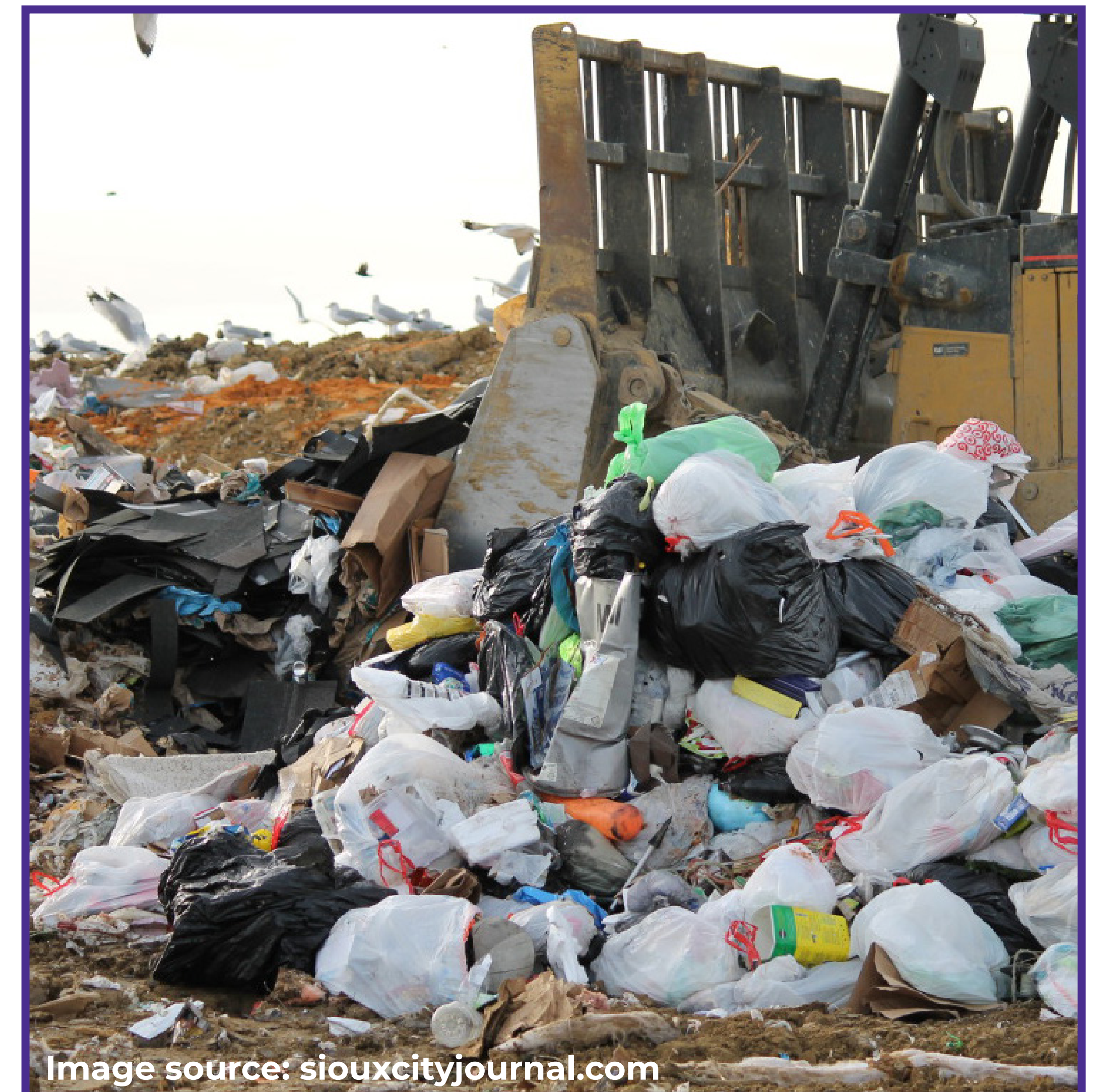


Image source: siouxcityjournal.com

# COMMUNITY FACILITIES & SERVICES

## Goals

### Expand access to health services throughout rural Woodbury County.

- Work with the Siouxland District Health Department to expand access to preventative health care services in rural communities.
- Continue to market the services of the Siouxland District Health Department widely across rural Woodbury County.
- Evaluate emergency medical response times and outcomes for rural residents to identify how these services can be improved.
- Continue partnering with the Rolling Hills Community Services Region for mental health, disabilities, and crisis care services.
- Refer to the Siouxland District Health Department's Health Needs Assessment and Health Improvement Plan for guidance.

### Provide more opportunities for outdoor recreation activities.

- Maintain the current activities of the Woodbury County Conservation Board and support the expansion of

their programming and scope of work.

- Improve the functionality and visibility of county-owned river access points.
- Prioritize water quality and river restoration initiatives.
- Pursue opportunities to develop water trails throughout the county.
- Develop a countywide trail program connecting communities with one another and the county park network.
- Evaluate the condition and availability of county-owned cabins and park shelters.

### Increase access to family-friendly activities and cultural opportunities in rural Woodbury County.

- Encourage cooperation and resource sharing between nearby towns to create and expand upon parks and recreation opportunities for rural residents.
- Expand community education opportunities for residents of rural Woodbury County that celebrate the region's historical, cultural, and natural resources.

### Strive to offer the most efficient, cost-effective, and user-friendly community services as possible.

- Improve digital operations to maximize accessibility and the availability of public information and data.
- Streamline service delivery and operations.

### Provide adequate police, fire, and emergency management services for all Woodbury County residents.

- Maintain cooperative agreements (28E) for emergency and public safety services.
- Encourage frequent training opportunities for all emergency service providers.
- Ensure adequate funding for emergency response activities.



Image source: Siouxlandnews.com



Image source: Woodbury County



Image source: Siouxcityjournal.com

# LAND USE & NATURAL RESOURCES

## Goals

### **Support sustainable agricultural practices.**

- Ensure compliance with Iowa state code provisions for agriculturally-zoned property.
- Promote the use of agricultural best management practices to reduce soil and fertilizer runoff, protect water quality, and manage animal waste.
- Encourage participation in federal incentive programs that pay farmers and ranchers for the implementation of conservation best practices.
- Consider the use of sliding scale zoning to prevent the fragmentation of large tracts of farmland.
- Advocate for the preservation of agriculture in urban fringe areas not identified in the future land use map for urban growth.
- Connect small and mid-sized farm businesses with succession planning resources and technical assistance.
- Create a roundtable of farmers and local agricultural businesses to voice concerns and needed resources to maintain sustainable business operations.
- Advocate for the adoption of local food purchasing policies that support public and institutional procurement from small and mid-sized local farmers.

### **Preserve environmentally sensitive lands.**

- Consider the manner in which environmentally sensitive lands are developed, including wetlands, floodplains, prime agriculture, wildlife habitat, and open space for recreation.
- Encourage communication and cooperation between environmental advocates and landowners related to development of sensitive land.
- Strengthen erosion control policies and grade and excavation limitations for development in the Loess Hills.
- Encourage landowner participation in federal conservation easement programs that provide financial incentives for safeguarding natural resources on their property.
- Continue adding to the county's network of parks, trails, and campgrounds.
- Coordinate across jurisdictions to address litter and the dumping of waste.

### **Limit urban sprawl and maintain the rural character of Woodbury County.**

- Prioritize the rehabilitation of existing housing stock and infill development before building on previously-undeveloped land.
- Consider the lifetime costs of new infrastructure development.
- Limit interstate development to interchanges or to within city jurisdictions to preserve agricultural land and maintain scenic views of the Loess Hills.
- Discourage leap-frog development outside of incorporated cities and limit density in unincorporated areas.
- Guide future development of non-agricultural uses to a compact pattern by efficient and economical expansion of public infrastructure.

### **Empower landowners to be a partner in combating ecologically and economically harmful invasive and noxious species.**

- Educate the public about effective identification, control, and disposal of invasive species.
- Distribute information about proper disposal of woody debris and brush from private property, and how to handle woody debris that has been impacted by invasive species such as the Emerald Ash Borer.

### **Reduce contaminants in surface water runoff.**



Image source: siouxcityjournal.com

- Provide resources for farmers to adopt best management practices.
- Provide resources for farmers to adopt BMPs such as no-till methods and cover crops, to reduce nutrient loads entering waterways as non-point source pollution. Refer to the Iowa Nutrient Reduction Strategy, and programs of the USDA's National Resources Conservation Service for farmers in need of assistance.
- Continue sensible salting policies.
- Educate residents and business owners of proper lawn fertilizer and chemical use.
- Limit the density of properties requiring individual septic systems, maintain stringent standards for system inspections, and provide resources for homeowners to assist in maintaining these systems.

### **Safeguard groundwater by identifying and limiting sources of pollution.**

- Encourage landowners to take advantage of the Iowa DNR's wellhead protection program that provides cost-sharing and assistance for sealing unused wells, and planting nitrate-remediating plants near active wellheads.

### **Identify potential sources of air quality hazards in Woodbury County.**

- Maintain a network of low-cost air quality monitors throughout the rural county.

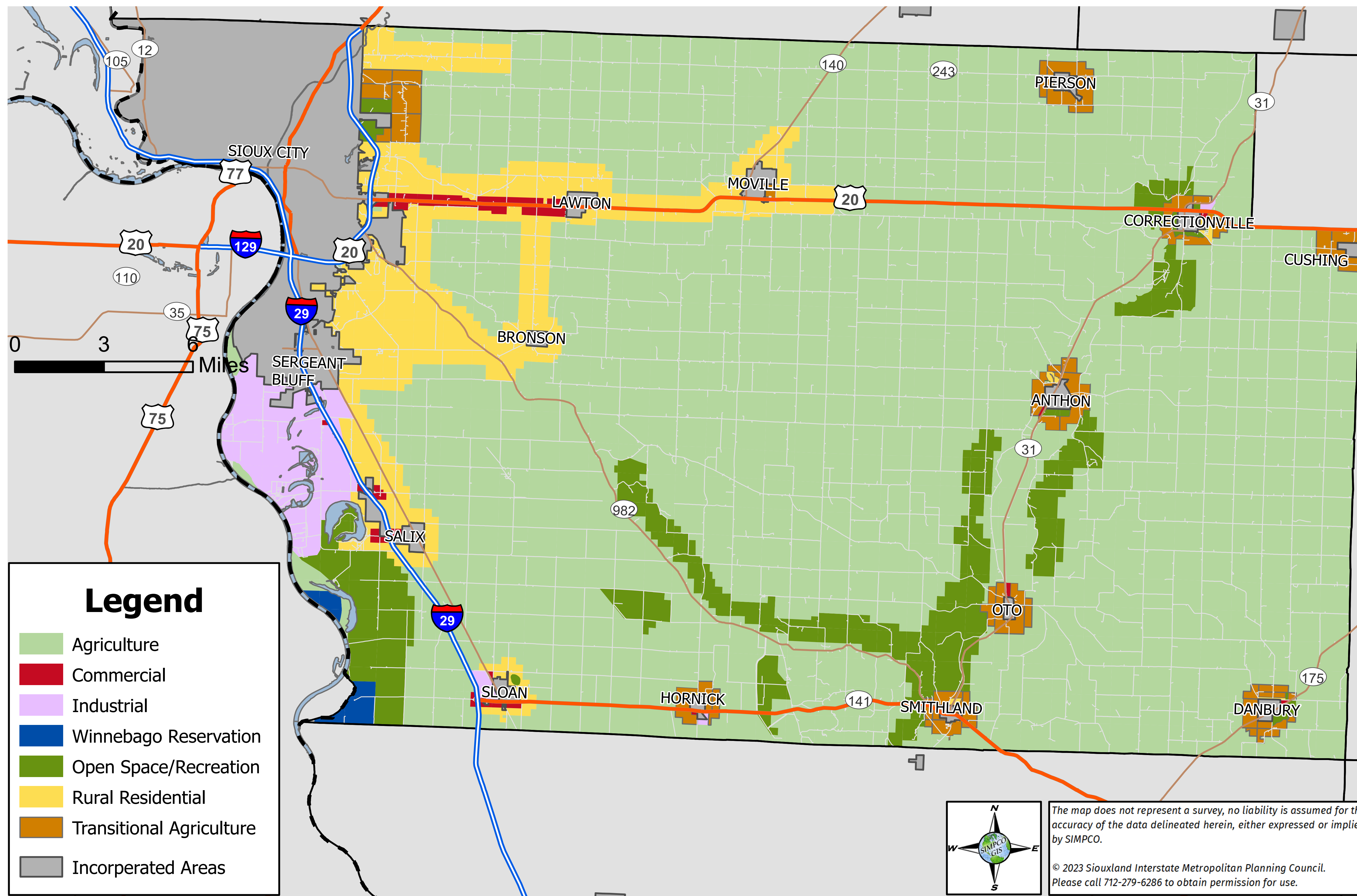
### **Maintain safe distances between industrial land use activities and residential, commercial, and institutional land uses.**

- Ensure that no residential communities are impacted or harmed by off-site industrial activities, such as trucking routes or railyard air hazards.

### **Plan for the creation and use of alternative and renewable energy sources in Woodbury County.**

- Support landowners' individual choices to implement renewable energy infrastructure.
- Continuously update policies that regulate renewable energy infrastructure to ensure that it does not present safety hazards and to minimize disruptions to surrounding land uses.
- Seek federal and state funding for the expansion of electric vehicle charging infrastructure.

# DRAFT FUTURE LAND USE MAP



Please note: A land use map does NOT denote current or future zoning. It does NOT dictate what must occur on any individuals' property.

The purpose of a land use map is to illustrate expected and desired future development patterns.

It is a community's vision for the future that broadly guides the density, character, and location of land uses.

Land uses illustrated by the map include industrial, commercial, agricultural, open space, and residential activities.

## *Land Use Designations*

The maps and information on the following pages summarize Woodbury County's current land use patterns and changes in land cover in recent years. This is followed by a future land use map which is used to establish ideal land use patterns for the next 20 years and to facilitate the orderly development and preservation of land in the county. The designations below describe each land use category found in the key of the current and future land use maps.

### Agriculture

Land designated as Agriculture is primarily used for farming, ranching, other agricultural businesses, and related operations. Residential density is typically limited to preserve large, continuous areas of workable land, uninterrupted by development.

### Transitional Agriculture

Land in the Transitional Agriculture designation typically borders between traditional agricultural use and residential uses. This designation offers flexibility for the development of a variety of compatible uses based on the surrounding context and needs of the community.

### Commercial

The Commercial land use designation describes corridors appropriate for commercial development, such as adjacent to similar or compatible developments within city limits and along state or county highways.

### Industrial

The industrial land use designation is for county land that is primarily used for heavy and light industrial activities, such as warehousing, transportation, manufacturing, and the storage of construction materials. The activities taking place in these areas are typically not compatible with other uses due to potential air and noise pollution, use of hazardous materials, heavy machinery and traffic, and other nuisances.

### Rural Residential

The Rural Residential land use designation describes areas primarily devoted to residential uses outside of incorporated city limits. This includes rural housing developments where agricultural uses are not permitted, as well as larger lot residential estates and acreages where agricultural activities may take place.

### Open Space/Recreational

These areas include parks and natural areas maintained by the county or Iowa Department of Natural Resources. The purpose of inclusion of these areas in the future land use map is to ensure their protection into the future. Inclusion of these areas on the map also helps to visualize connections between parks and recreation areas when considering expansions to the county's green space network.

### Incorporated Areas:

Land under the jurisdiction of incorporated cities, not belonging to the county.



# DISASTER RESPONSE, RECOVERY, AND RESILIENCY

## Goals

### **Coordinate disaster response, recovery and resiliency efforts among jurisdictions, county, state, and federal agencies.**

- Foster interagency agreements to bolster response and recovery to emergency and disaster events and encourage resource sharing.
- Keep open lines of communication between County departments and surrounding jurisdictions and counties.
- Work with State and Federal officials in preparation of and response to disaster declarations and subsequent disaster relief efforts.

### **Encourage passive development within 100-yr floodplain areas.**

- Work to ensure that developed areas within floodplains are safe and secure.
- Take advantage of state and federal programs designed to aid, relocate, or demolish properties within high-risk flood areas when necessary.
- Consider site plan design, best building practices, and federal standards when development within a floodplain occurs.

### **Support the County Emergency Management and Emergency Services Departments' missions to provide the most efficient services to Woodbury County and to mitigate against, prepare for, respond to, and recover from all disasters.**

- Work to complete the Woodbury County action items identified in the 2020 Regional Hazard Mitigation Plan, and future approved plans.
- Coordinate and participate in training exercises within the region to strengthen response to and recovery from emergencies.
- Work to educate the public on disaster preparedness, recovery, and resiliency.
- Continue participation in the Local Emergency Management Commission for the region.
- Employ and update the Woodbury County Joint Emer-

gency Operations Basic Plan as required by Iowa State Code 29c.

- Ensure adequate funding to maintain a high level of emergency operations within the County.

### **Continue supporting the Siouxland District Health Department in their mission to lead a “collaborative effort to build a healthier community through improved access to health services, education and disease prevention.”**

- Continue Woodbury County Emergency Management and Emergency Services Departments' partnership and participation in the Service Area 3 Healthcare coalition.
- Support the implementation of the Siouxland District Health Department's Community Health Improvement Plan for the Siouxland Community developed from the three-year Community Health Needs Assessment for the Siouxland Community.
- Coordinate with and support the Siouxland Community Health Department in responses to public health emergencies.

### **Support the recovery and resiliency of industries, businesses, and homes in the event of a natural or public health disaster.**

- Ensure reliable internet and telecommunications services to keep physical and home-based businesses' web operations in place in natural or public health disaster situations.
- Prioritize funding any economic relief programs put in place after disaster situations for entities with the highest need.
- Promote available local, state, and federal resources for economic recovery from disasters.
- Allow for flexibility in ordinances to encourage the continuity of business operations which may be disrupted due to public health directives during public health emergencies.

### **Ensure residents' access to safe, healthy, and efficient homes that are prepared to withstand increasingly frequent severe and unpredictable weather.**

- Promote the use of healthy and safe building materials, high indoor air quality, and environments free of pests, radon, mold, and other health hazards.
- Encourage energy- and water- efficiency in home retrofit projects and new construction and the use of on-site renewable energy systems.
- Provide information about how to protect homes from flooding in preparation for increasingly frequent heavy rain events.



**RULES OF PROCEDURE  
FOR THE  
WOODBURY COUNTY BOARD OF ADJUSTMENT**

**ARTICLE I: PURPOSE**

The Woodbury County Board of Adjustment created the foregoing rules with the intent of making its procedures clear, clean, and easy to follow, both for the Board members and for members of the public.

The following rules of procedure have been approved by the Board of Supervisors on MONTH/DATE/YEAR and are hereby adopted by the Woodbury County Board of Adjustment.

*February 8, 2022*

**ARTICLE II: MEMBERS**

There are 5 members of the Woodbury County Board of Adjustment. They shall be residents of unincorporated Woodbury County, Iowa and are appointed by the Woodbury County Board of Supervisors.

**ARTICLE III: OFFICERS**

**Section 1. Officers**

The Board shall select from its membership a Chair and a Vice-Chair who will perform the usual duties pertaining to such office. Per Section 2.01: B of the County Zoning Ordinance, the Zoning Director or his/her appointee, will serve as Secretary.

**Section 2. Selection**

At the first regular meeting of the calendar year the Board will pick its officers from its membership. All officers are eligible for re-election.

**Section 3. Tenure**

The Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

The Vice-Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

**Section 4. Duties**

The Chair will preside at all regular meetings and hearings, appoint committees, and perform such other duties as may be ordered by the Board. The Vice-Chair shall act in the capacity of the Chair in their absence. If the Chair and Vice-Chair are both absent from a meeting and there is a quorum, the most-senior Board member shall serve as Chair of that meeting. The Secretary will record and maintain minutes of the meetings, maintain all records, and perform such other duties as the Board of Adjustment may determine.

**Section 5. Vacancy**

If office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Board shall select a successor to the office of Vice-Chair for the unexpired term. If only the office of the Vice-Chair becomes vacant, the Board shall select a successor to the office of Vice-Chair for the unexpired term.

## **ARTICLE IV. MEETINGS**

### **Section 1. Compliance with the Open Meetings Law**

All meetings of the Board shall be conducted in compliance with Chapter 21 of the Code of Iowa and other applicable law.

### **Section 2. Regular Meetings**

The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at 6pm in the 1<sup>st</sup> Floor Board Room at the Woodbury County Courthouse, subject to formal business to be considered. Notice of the regular meeting shall typically be sent by the Secretary to the members at least 2-days prior to such meeting and shall state the purpose and time of the meeting.

### **Section 3. Special Meetings**

Special meetings may be called at the request of the Chair from time to time as required to conduct the business of the County, provided that at least 24-hours notice of such meeting is given to each member.

### **Section 4. Quorum and Consensus**

The presence of three members shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place.

### **Section 5. Majority Required**

A majority of the quorum present is required for the adoption of any matter to come before the Board.

### **Section 6. Manner of Acting**

Any question to come before the Board shall be in the form of a motion by a Board member and shall require a second for consideration. Remarks made by a Board member shall be limited to 10-minutes unless an extension is granted by a majority of the Board. Board members shall address the Chairperson and confine their remarks to the question before the Board and shall be respectful of other Board members and avoid referencing or questioning the motives of another Board member.

### **Section 7. Roll Call Votes.**

The Chair shall order a roll call vote when requested by a member. The roll shall be called alphabetically, except the Chair shall be called last.

### **Section 8. Effects of Abstention.**

When a Board member abstains due to a conflict of interest, the vote of the Board shall be computed on the basis of the number of Board members not disqualified by reason of conflict of interest. However, at least 3 Board members eligible to vote are required for a quorum on any matter. Abstentions that are not due to a conflict of interest shall be counted as a "no" vote.

### **Section 9. Electronic Participation**

Members of the Board may participate in a meeting by electronic means only in circumstances where participation in person is impossible or impractical. Any member participating electronically shall be connected by a speaker phone, video conference, or other device or software, so that the public can hear any discussion by that member. The vote of any member participating electronically must be made public at the meeting and the minutes of the meeting shall include sufficient information to indicate the vote of each member participating.

## **ARTICLE V: ADMINISTRATION**

### **Section 1.**

Board meetings are administered by the Chair. The Chair has the right to:

1. Call the meeting to order
2. Recognize speakers
3. Call for motions on agenda items, and facilitate debate
4. Preserve order and decorum
5. Determine points of order

## **ARTICLE VI. ORDER OF BUSINESS**

### **Section 2.**

The Secretary will prepare an agenda for each meeting and send it to each member typically at least 2-days before the meeting. The order of business shall typically be as follows:

1. Call to order and opening statement by Chair
2. Roll call
3. Public comments on matters not on the established agenda (3-minute limit)
4. Approval of minutes
5. Item of business
6. Public comments on matters not on the established agenda (3-minute limit)
7. Board member comments
8. Adjournment

### **Section 3.**

As to an item of business, the order shall typically be as follows:

1. Staff report
2. Petitioner comments
3. Board member comments and questions for staff/petitioner
4. Staff/petitioner rebuttal opportunity
4. Public comments
5. Staff/petitioner rebuttal opportunity
6. Vote

## **ARTICLE VII. MOTIONS AND VOTING**

### **Section 1.**

Motions may be made by anyone on the Board. The Chair will restate the motion before a vote is taken. The Board typically recognizes three kinds of motions:

- A. Main Motion – request for action on an item; can be made by any member, including the Chair.
- B. Motion to Amend a Motion – which the Board must vote on first, then the Board votes on the underlying motion.
- C. Motion to Postpone discussion of a matter until a future meeting.

### **Section 2.**

Another Board member may then second a motion. The motion dies if no member seconds it.

**Section 3.**

The Board may then debate the motion further.

1. Members should keep their discussion concise and limited to the motion on the table.
2. A member may withdraw his/her own motion at any time during debate.

**Section 4.**

The Chair may then conclude debate by calling for a vote. Each member must respond:

1. Yes ("aye")
2. No ("nay")
3. Abstain

**Section 5.**

The Chair shall then state whether the motion passes or fails, and the final vote tally.

**ARTICLE VIII. PUBLIC PARTICIPATION**

**Section 1.**

Any member of the public wishing to address the Board may do so during the appropriate "public comments" section of the Order of Business.

**Section 2.**

Comments by any one member of the public shall be limited to 3 minutes.

**Section 3.**

Any person so addressing the Board shall step up to the microphone and give their name and address for the record.

**Section 4.**

Should a person engage in slanderous remarks, personal attacks, or boisterous behavior, the Chair may refuse to recognize the speaker, may ask the speaker to leave, or may have the speaker removed.

**ARTICLE IX. AMENDMENTS**

**Section 1.**

The Board may suspend or amend these rules at any regular or special meeting by a majority vote of the members present.

6/6/22  
 \_\_\_\_\_  
 DATE ADOPTED  
 \_\_\_\_\_  
 ATTESTOR

\_\_\_\_\_  
 CHAIRPERSON