

Minutes - Woodbury County Board of Adjustment Meeting July 7, 2014

The meeting convened on the 7th of July, 2014 at 6:00 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Robert Brouillette, Brian Crichton, Corey Meister, JoAnne Sadler and Katie Colling. John Pylelo and Peggy Napier was also in attendance. Also present were Christine Zellmer Zant, Bruce Garbe, Brent Nelson from City Planning and Zoning, Jeff Hanson from City of Sioux City and Justin Vondrak, Lawyer for the City.

The First agenda item was approval of minutes of May 12th, 2014 meeting.

Mrs. Colling made a motion the minutes be approved as read.
Mr. Meister seconded the motion; motion carried 5-0.

The next agenda item was a Review and Resolution Re: Conditional Use Permit Rail Line to Southbridge Business Park.

John Pylelo read into the record the following:

On June 27, 2014, a Conditional Use Permit (CUP) application was received from the City of Sioux City for the construction and operation of a portion of a rail spur proposed to serve the city's planned Southbridge Business Park.

Sioux City's proposed rail spur construction and operation meets the Woodbury County zoning ordinance definition of a "rail line". Rail lines within the applicable GI (General Industrial) zoning district designation are permitted only as a condition use and, as such, must be approved by Board of Adjustment Resolution prior to any building permit being issued.

The portion of the proposed rail line within County jurisdiction (referred to as the rural portion) will extend from the existing Union Pacific Railroad line southeast of the current city limits westerly approximately 3000' feet to east side of the parcel formerly known as the 27 Flags Golf Course. This former golf course parcel lies within Sioux City where a rail yard is planned to service anticipated industrial development within the business park.

The rural portion of the project will consist of tandem west to east rail lines which will split as they head east taking rail traffic north and south at separate switching locations within existing Union Pacific Railroad right-of-way. The site plan provides for security fencing and roadway right-of-access via a road extension through existing Alicia Avenue right-of-way.

Currently the rural portion of the rail line is located within an area bordered by the following: 225th St. ROW to the North; the existing Union Pacific Railroad ROW to the East; 235th St. ROW to the South and Alicia Avenue ROW to the West.

Specific legal descriptions for the rural portion of the rail line project are included within the legal descriptions and GIS parcel references within the CUP application (copy provided).

The twelve (12) property owners within 500' of the parcel were notified by mail of the public hearing. As of July 3, 2014, the Zoning Office received the following comments:

The Office of Planning and Zoning had received comment from a local property owner stating the existence of a protected plant species being located within the general area he understood to be the proposed rail line. Staff review has determined that the plant species referred to is in fact listed in Iowa's *Endangered or Threatened Plant and Animal Species – Section 571-77.3(481B) of the Iowa Administrative Code* and is known to be either:

- Bigroot pricklypear (*Optunia macrorhiza*) listed on the endangered plant species list; or
- Little pricklypear (*Optunia fragilis*) listed on the threatened plant species list.

It should be noted the Phase 1 Environmental Study for the project makes no reference to any known environmental issue. The city of Sioux City is reviewing the reported plant species matter and it is anticipated additional documentation will be presented before or at public hearing.

The Zoning Office also mailed notifications to the following departments or agencies requesting comment:

- Iowa Department of Natural Resources – Field Office #3 Spencer
- Bill Cappuccio – FEMA Iowa Floodplain Coordinator
- Mark Nahra – Woodbury County, Iowa Engineer
- Siouxland District Health Department
- Justin Iverson – Fire Chief Salix, Iowa
- Gary Brown – Woodbury County, Iowa Emergency Services
- Sheriff David Drew – Woodbury County, Iowa
- Woodbury County Iowa Conservation District

- Jerry Sindt – Woodbury County Soil & Water Conservation District
- Karen James – Woodbury County Board of Supervisors Office
- Siouxland Interstate Metropolitan Planning Council (SIMPCO)

As of July 3, 2014, no agency or departmental comments have been received. Should comments be received staff will report those comments to your Board within the public hearing portion of the July 7th meeting.

To assist your review find attached the following documentation:

1. The City of Sioux City CUP Application
2. A Tam Map of Liberty and Liberty West Townships Showing geographic location of the proposed rail line relative to County/City jurisdictions.
3. DGR Engineering Southbridge Rail Phase 1 Construction Overall Site Plan Sheet S.01 for project 263029; Pit Dated 06/26/2014l
4. Soil Reports for parent parcels showing soil types and weighted average CSR of;
 - a. 6.00 for parent parcel GIS #874706300006
 - b. 34.69 for parent parcel GIS #874706300002
5. Aerials of the location showing:
 - a. Floodplain Mapping for the area.
 - b. County Zoning District Designations within the area
 - c. Parcel numbers within the area
6. A copy of a July 1, 2014 e-mail from the Woodbury County Director of Rural Economic Development, David Gleiser
7. Onsite photos
8. Woodbury County zoning ordinance subsection 2.02:E(1) requires the County's Zoning Commission review this CUP application reporting its findings to your Board relative to the standards listed within ordinance subsection 2.02:09F being met. The Commission has met on the issue and we attached the Commission Chairperson's letter to your Board dated July 2, 2014 communicating each standard and finding each standard has been met.

Your Board is asked to hold the required public hearing. Then to take under consideration the approval of the City of Sioux City's request for issuance of a condition use permit application.

Brent Nelson from City Planning and Zoning presented slides showing what areas had been annexed in the last couple of years and where the rail spur and push/pull station would go in relation to the annexed areas. The former Higman Land and Gravel, L.L.C. and former 27 Flags areas agreed to annex. Other areas needed by the city to accommodate the curve in the rail spur have not; however, some feel having the spur at the ends of their parcels may increase the value of their land.

Rather than getting easements through some of the parcels, the city obtained fee title to the 100 foot setbacks required. They tried to follow section lines wherever possible.

Mr. Nelson explained the necessity for the rail spur and station was to transport materials and equipment into the Southbridge area.

The city contractors have not seen any pricklypear to date and hope it won't become an issue.

Mr. Nelson feels the city meets the conditions for the Conditional Use Permit and believes they should be able to have it approved.

Mr. Pylelo reported the Zoning Commission recommends seven (7) standards for approval. Pylelo said, "*Sioux City's successes are our successes.*" and he believes the BOS (Board of Supervisors) feels the same. He further suggested there are remnants of old rail lines still there and if there had been pricklypear in the area it may have been destroyed by alternative means.

Mr. Pylelo asked Mr. Nelson how equipment will get into the proposed area for the rail spur and station.

Mr. Nelson explained it will be a minor inconvenience to move equipment on Alicia Ave.

Mr. Pylelo noted the County is reviewing rail areas on the east side of I-29 for a potential rail.

Mr. Brouillette made a motion to close the public meeting; Mrs. Sadler seconded the motion. Motion carried 5-0.

Discussion:

Chairperson Crichton noted the hearing with the city was pretty succinct.

Mr. Brouillette said it would be hard to find a location that affected fewer people.

Crichton said the biggest impact is transporting equipment in and out.

Jeff Hanson from the City noted they would be responsible for dust control. He anticipates the project will last approximately 6-9 months.

Hanson also commented the buildings that were sold from the prior 27 Flags golf course are currently being moved. They had a deadline of August 1st but would grant a 30 day extension if necessary.

Mr. Brouillette made a motion subject to the condition;

- **That the City of Sioux City shall have in place all necessary procedures to remedy fugitive dust from originating from any construction activity for the project including along roadway right-of-way used to service the project.**

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

The next agenda item shall be any Citizen wishing to be heard before the Board.

No one present wished to be heard.

Mr. Meister made a motion to adjourn the meeting. Mrs. Spalding seconded the motion; motion carried 5-0.

Meeting was adjourned at 7:45 PM.

Next meeting will be 6:00, August 4th, 2014.