

Minutes - Woodbury County Board of Adjustment Meeting April 6, 2015

The meeting convened on the 6th of April, 2015 at 6 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, Kenneth Gard, JoAnne Sadler and Katie Colling. Staff members John Pylelo and Peggy Napier were also in attendance. Present from the public were officials from Ag Processing, Inc.; Tony Stepanek (Director of Engineering), Joe Kirby (Soy Plant Manager; Sgt. Bluff), Wayne Johnson (Merchandising Manager; Sgt. Bluff), Bryan Sharp (Project Manager; Omaha, NE), Kurt Webster (M&W Contractors), and Dan Umbrell (Plant Supervisor).

The First agenda item was Election of 2015 Chairperson and Vice-Chairperson.

Mr. Brouillette nominated Brian Crichton to be Chairperson in 2015. Mrs. Colling seconded the nomination. Nomination passed 5-0. Mr. Crichton is Chairperson for 2015.

Mr. Crichton nominated Bob Brouillette for Vice-Chairperson in 2015. Mrs. Sadler seconded the nomination. Nomination passed 5-0. Mr. Brouillette is Vice-Chairperson for 2015.

The next agenda item was approval of minutes of December 1st, 2014 meeting.

Clerk Peggy Napier noted any references of “62 feet” on page 4 should be changed to “63 feet” as it says in the name of the agenda item on page 3. Mrs. Colling approved the minutes with noted corrections. Mr. Brouillette seconded the motion; motion carried 4-0 with Mr. Gard abstaining since he did not attend the December 1st meeting.

The next agenda item was a public hearing and consideration of a conditional use permit application from property owner Ag Processing, Inc. for GIS Parcel #874731300001.

Woodbury County property owner Ag Processing, Inc. has applied for a Conditional Use Permit to construct and operate a vegetable oil refinery. The location of the proposed refinery would lie within the W ½ of section 31 of Liberty Township. The project is located within a portion of a 85.34 acre parcel GIS Parcel #874731300001 zoned GC (General Industrial). The driveway servicing the parcel is addressed 2753 Port Neal Circle, Sergeant Bluff, IA. The referenced parcel and the immediate area has a GI (General Industrial) zoning district designation. The location of the refinery will be north and west of the company’s existing soybean processing and biodiesel facilities which are located upon the same 85 acre parcel.

The proposed refinery facility use is best described on page 37 of the ordinance’s Land Use Summary Table within the category and sub-categories of:

- Industrial Uses:
 - Manufacturing and processing:
 - Food Processing:
 - Grain Processing

The grain processing use is only allowed as a conditionally permitted use within the GI (General Industrial) zoning district designation.

The ordinances require a conditional use permitting process include a public hearing held by the Woodbury County Board of Adjustment. The ordinances further require the Zoning Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. By ordinance the Commission's recommendation is limited to a determination if the standards found within ordinance subsection 2.02-9.F will be met.

On March 23, 2015 the Zoning Commission met and determined each of the standards is met. Within your packets is a letter from the Zoning Commission Chair listing those standards and certifying the Commission's determination.

See attached the following which provide additional information on the conditional use application:

1. The Conditional Use Permit Application
2. Ag Processing Inc.'s Company Background
3. Liberty Township Tam Mapping
4. Assessor's Parcel Information
5. Aerials of the Parcel
6. Ag Processing Inc.'s Proposed Site Plan
7. A copy of a March 4, 2015 Letter to the various Federal, State and Local departments/agencies requesting comment on the application.

A written response was received from the FAA resulting in an administrative acknowledgment of the applicant's construction.

A letter was also mailed to the two (2) property owners within 500' of the application's parcel. Neither Koch Nitrogen nor MidAmerican Energy Company provided comment.

Your Board is tasked with holding the required public hearing; then deliberate upon Ag Processing, Inc.'s Conditional Use Permit application resulting in voting on the permit's issuance. For any approved permit the ordinances allow placement of those conditions which you Board feels further the goals of Woodbury County's General Development Plan and protect the health, safety and welfare of Woodbury County citizens.

Mr. Brian Sharp, representative for Ag Processing, Inc. from Omaha, commented this expansion was a great opportunity for economic and product growth for both Ag Processing, Inc. and for the Siouxland area.

Mrs. Sadler made a motion to close the hearing. Mr. Gard seconded the motion; motion carried 5-0.

Discussion:

Mr. Brouillette commented the location was perfect as it is surrounded other industrial business.

Mr. Pylelo displayed an aerial of the current and proposed sites and answered questions.

Mr. Brouillette asked about the portions of land owned by Ag Processing, Inc. that had been involved in the 2011 flood. Pylelo pointed out where those areas were along the Missouri River and showed where berms had been constructed to successfully minimize damage in that area. These areas have been discussed with Ag Processing, Inc. and they are prepared for the possibility of further work.

Mr. Pylelo suggested the new FEMA flood mapping for this area may be questionable. A LOMA (letter of map amendments) application has been submitted and is expected to be successful. They will wait for FEMA's response before applying for any grading or building permits. The alternative is building the land up to 1 (one) foot above the BFE (base flood elevation) before building.

The current berming is effectively protecting the current site.

It could become necessary to revisit River Management by the Army Corp of Engineers if the process needs to be altered.

Staff Recommendation

Mr. Brouillette made a motion to approve a Conditional Use Permit subject to the condition that all federal, state and local permitting be obtained by the applicant.

Mr. Gard seconded the motion; motion carried 5-0.

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

There was no one present.

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

Meeting was adjourned at 6:25 PM. Next meeting will be 6 PM, May 4, 2015.