

Minutes - Woodbury County Zoning Commission Meeting June 27, 2016

The meeting convened on the 27th of June, 2016 at 6:00 PM in the Board of Supervisor's meeting room on the first floor of the Court House, Downtown, Sioux City, Iowa. Present were the following Commission members – Tom Bride, David McWilliams, Bruce Garbe and Barbara Parker. Christine Zellmer Zant was out of town. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Rodney Lieber and Ryan Callaghan.

The first Agenda Item is anyone present wishing to be heard on a non-agenda item.

The Zoning Office is not aware of anyone to be heard on a non-agenda item.

The next agenda item is approval of the minutes from the May 23, 2016 meeting.

Mrs. Parker made a motion to approve the May 23 meeting minutes as written. Mr. Bride seconded the motion; motion carried 4-0.

A motion was made by Tom Bride to change the order of the agenda so agenda number four (4) was heard before agenda number three (3). Bruce Garbe seconded the motion; motion carried 4-0.

The next agenda item was number four; Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for current property owner Wendel Real Estate, LLC and applicant Lieber Land Holdings, LLC in Section 25 of Woodbury Township Re: Resource Extraction Permanent Borrow Pit for Earthen Materials; Concrete Crushing; and Earthen Material Storage.

Woodbury County has received a conditional use permit (CUP) application from Lieber Land Holdings, LLC (Lieber). The organizer of Lieber Land Holdings, LLC is Rodney D, Lieber. Mr. Lieber also owns other Iowa domestic corporations which provide excavation, grading and demolition services to construction projects. Those services include providing, removing storing or processing earthen resource materials. Lieber searches for earthen materials at locations meeting approved soil specifications; in required quantities and in proximity to current or anticipated construction locations.

Haul road availability, road specifications and route distances between the storage/borrow sites and delivery locations are also criteria for Lieber in selecting any suitable storage/borrow location.

The application requests permitting to stage and operate a permanent earthen borrow facility; concrete crushing operations; and an earthen resources storage area. If approved for this location the permitting would allow earthen materials to be excavated, processed and be delivered to/from the site as needed. The application reflects the intention to export approximately 1.2 million cubic yards of earthen material from an approximate 101 acre area over an undetermined period of time..

Lieber has stated the intent to make an offer to the current property owner Wendel Real Estate, LLC to purchase portions or all of multiple rural parcels. The intent is conditioned upon Lieber being successful in the conditional use permitting effort.

The requested conditional uses will be located upon all or a portion of parcels within the S ½ of the N ½ of the NW ¼; Part of the SW ¼ of the SW ¼ of the NW ¼; Part of the SE ¼ of the NW ¼; Part of the S ½ of the NE ¼; Part of the NW ¼ of the NE ¼; All within Section 25 of Woodbury Township.

A barn type structure exist at the southeast corner of the site. It is the applicant's intent the structures will remain with an independent 2 acre parcel to be established. Residential development would be a permitted use. A drive currently services this building site providing access from the west side of Old Highway 141. It is anticipated this driveway location will remain.

The analysis for an additional driveway location placement is underway. The application provides location information for the new drive and a potential bridge construction over Little Whiskey Creek. The new drive must be permitted by; and constructed to specifications approved by; the county's Secondary Roads Department. Elevation change or structure placement within any flood plain will require local flood plain development permitting.

The application shows multiple potential haul routes related to the borrow location's and the existing or proposed new Old Hwy 141 driveway:

- North on Old Hwy 141 (D25) to the Hwy 20 Bypass
- South on Old Hwy 141 (D25) to the intersection with 210th St. then west
- South on Old Hwy 141 (D25) to the intersection with K42 then east.

These haul routes provide access to the I29 corridor; the Hwy 20 Bypass and Highway 75 Bypass.

Woodbury County zoning ordinance (Section 3.03:4 - Page 37) provides that:

- *Earthen Material Storage;*
- *Resource Extraction - Borrow pits for earth materials operations;*
and
- *Heavy Construction Services; Aggregate Crushing and Screening operations*

uses require CUP approval by the county's Board of Adjustment. The Lieber CUP application does not provide an ending date for any of the requested uses. As such application is being processed as a permanent permit application request for each of the three uses.

All impacted parcels are zoned AP (Agricultural Preservation). This zoning district designation allows each of the applied for uses to be conditionally approved.

The parcel does not lie within any rural drainage district and no environmental or archeological issues are known. The average corn suitability rating (CSR2) for the impacted parcels range from 32.77 to 69.51.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances further require your Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. Per the ordinances your

recommendation is limited to a determination if each of the below standards found within ordinance subsection 2.02-9.F will be met.

Section 2.02-9.F

- (1) *In order to grant a conditional use the Board of Adjustment must determine that:*
 - (a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
 - (b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - (c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*
 - (d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development.*
 - (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
2. *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
 - a. *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*
 - b. *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

The applicant has been represented in the matter by Ryan Callaghan, P.E., of Civil Engineers and Constructors, LLC. (CEC). CEC has offices in Dakota Dunes, SD. CEC staff is licensed as professional engineers in the states of Iowa, Nebraska and South Dakota.

Attached within your meeting packets is the following documentation which provides additional information for your review of Section 2.02-9.F compliance:

- Woodbury Township TAM Mapping showing location
- The applicant's CUP application form.
- A letter from professional engineer Ryan Callaghan of Civil Engineers and Constructors, Inc. (CEC) dated June 1, 2016. The letter provides information requested by the Planning and Zoning office staff and states why the applicant believes section 2.02-9F standards have been met.
- Two pictometry aerials representing the west and east portions of the project.
- Current Existing Site Plan aerial; CEC - Drawing C050 dated June 1, 2016 showing the current pre-excavation contours.
- Proposed Site Plan aerial with notes; CEC - Drawing C100 dated June 1, 2016 showing anticipated post-excavation contours.
- Profile and Cross Section Drawings; CEC - Drawings C150, C200, C205 and C210 all dated June 1, 2016 showing pre and post excavation elevations.
- Two Haul Route Mapping Aerials (North and South Routes).
- Aerial Mapping of parcel with Zoning Layer
- Aerial Mapping of parcel with Flood Plain Layer
- Aerial Mapping of parcel with Soil Type Layer
- Representative Parcel Soil Report
- Corn Suitability Rating (CSR2) Report for Parcels
- Photos of the project site

Staff Recommendation:

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met.

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment.

Comments:

No comments by the present public.

Discussion:

The parcel were zoned AP which is proper zoning for borrows. It is the right place, right zoning with haul roads in several directions.

Corn suitability ranged from 32.77 to 69.51. Anything with a high rating will remain in agricultural production.

The zoning commission felt they could give good recommendations with the appropriate conditions to the Board of Adjustment for approval of a CUP.

Mr. Tom Bride made a motion to recommend approval for a CUP subject to;

- 1) **any conditions placed on it by the Board of Adjustment**
- 2) **property owner will obtain all local, state and federal permits.**
- 3) **a letter be written to the Board of Adjustment by Zoning Commission Chairperson, David McWilliams with the commission's recommendations.**

Mr. Bruce Garbe seconded the motion; motion carried 4-0.

The commission proceeded to discuss other borrow situations and issues.

The next agenda item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owner Randy and Ronnie Hunt Partnership and applicant Holly A. Brown Constructuon, Inc. in Section 31 of Westfork Township Re: Resource Extraction Temporary Borrow Pit for Earthen Materials.

Woodbury County has received a conditional use permit (CUP) application from Randy and Ronnie Hunt Partnership (Hunt) and applicant Holly A. Brown Construction, Inc. (Brown Construction). Brown Construction is contractor involved in the replacement of the 280th Street Bridge over the Garretson Ditch.

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

The CUP application requests permitting for the staging and operations to excavate and remove up to 20,000 cubic yards of earthen material. Operations will be within an approximate 6 acre portion of the 17.57 acre parcel known as GIS Parcel #874531400011.

It is anticipated borrow and haul operations will commence mid-July and will continue for approximately 30 days. During that time the significant majority of the requested borrow quantity will leave the site. An additional 60 day period has been requested to keep the borrow site operational should the remainder of the earthen material be needed. It is anticipated the temporary borrow area will be decommissioned no later than November 1, 2016.

The location of the requested use is located within part of the SE ¼ of the SE ¼ of Section 31 of Westfork Township. This location is at the southeast corner of 280th and Old Hwy 141 (Hwy D25).

The application provides for a new driveway installation on the east side of Old Highway 141 at the Hwy's intersection with 280th Street. A departure haul route is proposed from the drive west to the bridge project at the Garretson Ditch; a total haul route distance of approximately 0.8 miles.

Two return haul routes from the bridge project are proposed;

- 1) The identical inversed route from the project site to the borrow site; and
- 2) An alternative route east on 280th St; north on Old Hwy 141; east on 280th Street to an existing driveway addressed 2506 280th St. The alternative return haul route distance is approximately 1.0 miles.

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

The parcel is zoned AP (Agricultural Preservation) which supports the applied for conditional use. The parcel does not lie within any rural drainage district and is not within any designated special flood hazard area. The average corn suitability rating (CSR2) for the 17 acre parcel is 31.72.

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

Section 2.02-9.F

1. *In order to grant a conditional use the Board of Adjustment must determine that:*
 - a. *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
 - b. *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - c. *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*
 - d. *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*

- e. *Essential public facilities and services will adequately serve the proposed use or development.*
 - f. *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
2. *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
- a. *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*
 - c. *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

Attached within your meeting packets is the following documentation which provides additional information for your review of Section 2.02-9.F compliance:

- Woodbury Township TAM Mapping showing location
- The applicant's CUP application form.
- A letter from Holly Brown, President of Holly A. Brown Construction, Inc. dated May 18, 2016. The letter provides information requested by the Planning and Zoning office staff and states why the applicant believes section 2.02-9F standards have been met.
- Aerial with site location and Haul Routes
- Grading Plan with pre and post excavation contours with elevations.
- 2 -Grading Profile/Cross Section Drawings
- Storm Water Discharge Notice Published May 27, 2016 in Sioux City Journal.
- IDNR Notice of Intent filed with IDNR on May 25, 2016.
- Beacon Parcel Information with Borrow Site location noted
- Pictometry Aerial with Detailed Site Plan, Property Ownership and Haul Routes noted.
- Beacon Parcel Information
- Aerial Mapping of parcel with Zoning Layer

- Aerial Mapping of parcel with Soil Type Layer
- Corn Suitability Rating (CSR2) Report for Parcels
- Aerial Mapping of parcel with Flood Plain Layer
- Photos of the Borrow Site, Bridge Project and Haul Routes

Staff Recommendation:

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met.

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment.

Comments:

Most of the borrow will be finished in thirty (30) days. The dirt will be used in replacing the bridge that was destroyed.

The borrow will be seen from the road but Mr. Larry Hunt says grass will be planted once they are finished using the borrow.

There may be objections to the borrow from those interested in maintaining the Loess Hills appearance.

Mr. Garbe asked if there will be appropriate signage controlling traffic on the roads and by the driveways coming to and from the borrow. Mr. Pylelo said that would be an issue for the County Engineer. It would be a condition by the Board of Adjustment that would be "subject to the engineer's instructions."

A motion was made by Mr. Garbe to recommend approval of a CUP with the provision each of the stands are and can be met. A letter signed by the Zoning Commission Chairman will be sent to the Board of Adjustment recommending approval.

The motion was seconded by Mr. Bride; motion carried 4-0.

The Next Agenda Item Is Any Citizen Not On the Agenda Wishing to be Heard.

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

Mr. Bride made a motion to adjourn. Mr. Garbe seconded the motion; motion carried 4-0. Meeting was adjourned at 7:17 PM.