

**MILLS COUNTY
ZONING BOARD OF ADJUSTMENTS**

403 Railroad Avenue
Glenwood, IA 51534

MEETING MINUTES

Meeting Date:	<i>February 24, 2015</i>	Time Called to Order:	<i>6:26 PM</i>
---------------	--------------------------	-----------------------	----------------

		Present	Absent
BOARD MEMBERS	Richard Biermann (<i>Chair</i>)	X	
	Patrick Collins	X	
	Cory Leick	X	
	DeShawne Bird-Sell	X	
	Melanie Wilgenbusch	X	
COUNTY STAFF ATTENDEES	Darin Whatcott (<i>Zoning Official</i>)	X	
	Richard Crouch (<i>Board of Supervisors</i>)	X	
	Holly Jackson (Building Technician)	X	

General meeting notes and minutes:

1. Welcome new Members DeShawne Bird-Sell and Melanie Wilgenbusch.
2. Elect a new Chair. Motion by Leick to Nominate Sell as Chairperson and Collins as Vice Chair. 2nd by Pat Collins. Motion carried.
3. Approve meeting agenda.
Collins motion to approve, 2nd by Leick: Motion carried.
4. Approve minutes from previous meeting on August 26, 2014.
Collins motion to approve, 2nd by Leick: Motion carried.
5. Chair explained meeting process to Applicants and public.
6. Leick Dismisses himself from the Board due to Conflict of Interest.
7. Discussion/Formal Action on Special Use Permit #15-001 for the proposal of Resource Extraction of soil materials and afterward returning the property back to agricultural crop land at the location of North of Barrus Road & West of 237th Street on a 39.80 acreage parcel in the Oak Township.

Applicant's Presentation: Applicant presented the following to the Board:

- Refer to the HGM Engineering Drawings regarding his proposed dirt extraction project. The parcel is located in agricultural residential zone.
- Planning to excavate the current farm ground at the high flat portion of the parcel, the steepest portion of the parcel. When project is completed, the farmland will be less steep and less erodible farm.

- Applicant referred to information presented with his application.

Taken from our Mills County Zoning Matrix and response from Applicant.

Grading, Excavation and/or Resource Extraction: County Wide (outside LH District.)

- Establish the location of and the amount of soil or other resource material to be removed from the parcel (s). **The location is Oak Township—Barrus Road and 237th St. The location of excavation is noted on the SWPP plan by HGM associates. In the footprint on the plan approximately 1,000,000 CY of material is currently available.**
- Establish and provide a timeframe and/or length of operation during which the soil or other resource material will be removed from the parcel(s) **Timeframe would be 2-3 years with an option to renew. Excavation could start April 2015, approximately 3-6 months of production per year. We typically don't work during the winter or early spring due to frost on the ground.**
- Establish a restoration plan for the affected land which includes a timeframe for restoration and identifies the type of vegetation which will be re-established. **Area to be excavated is in crop and pasture land, we would only strip the amount needed for any project and immediately place the excavated area into crop land, corn and soybeans will be the crop. All water runoff will be directed to a basin onsite and controlled. By excavating the area the area will be less erodible and will be an improvement over the existing conditions. Existing forest area and berms to be left during extraction. This will help with visual and noise.**
- Establish the zoning use of the parcel(s) after the resource extraction and obtain the approval of the Planning and Zoning Board if a non-conforming use is to be established. **The area would stay in the AR zone and be in crop land (after excavation the area would be more attractive to a future sub-division if feasible). To the possibility of a subdivision is a growth option for this county. It is not my intentions, but it is a possibility.**
- Establish a maintenance plan for the County Engineer or repair/restoration for any additional damage beyond normal usage for all County roads which may be impacted by trucks/heavy equipment removing soil and/or other resource materials. **I would follow the direction of the County Engineer for all road issues.**

Performance Standards

- That the establishment, maintenance or operation of the special use will not be detrimental to nor endanger the public health, safety, morals, comfort or general welfare of the community. **Precautions are to be made that dust, road conditions, speed and traffic control are to be of the utmost importance. Sunday hauling will not be allowed. Rumble plated drives will be in use. Street sweeper to be available at all times if needed. (Rumble plates will reduce carry out by 90%).**
- That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood. **Property where excavation is to take place will allow for much improved erosion control, water runoff and create a more attractive farm. With the improved grading the property will fit the AR zone more appropriately. (Grading will create an area if feasible that a 2 acre lot sub-division could withstand) We will farm all of area that is excavated—No Sunday hauling, hauling hours to be consistent to normal work hours. A typical work week of 6 a.m to 6 p.m. can be discussed.**
- That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **Existing property has very steep erodible slopes, with crevasses, and failing terraces. The area of excavation would allow the steep slopes to be removed**

and the areas that are prone to water runoff and erosion would be controlled with and on-site water basin and allow for a much better farm in the future.

- iv. The adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. **To abide by all County conditions required and follow the direction of the County Engineer.**
- v. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets. **To abide by all County conditions and follow the direction of the County Engineer.**
- vi. The special use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material. **No flammable or explosive material would be on-site without proper fire suppression equipment.**
- vii. The special use shall not include noise which is objectionable due to volume, frequency or beat unless muffled or otherwise controlled. **All equipment will have and have properly working exhaust systems, Jake brakes to be used on 221st North only **if acceptable— This is a difficult topic and needs to be discussed with the county.**
- viii. The special use shall not include vibration which is discernible without instruments on any adjoining lot or property. **The area that is to be excavated is a Cut site, no vibratory compaction equipment will be used.**
- ix. The special use shall not involve any pollution the air by fly-ash, dust, vapors or other substances which are harmful to health, animal, vegetation or other property which can cause soiling, discomfort or irritation. **To follow the discretion of the County Engineer, and abide by any and all stipulations he/she may set forth.**

Leick then spoke regarding conversations with County Supervisors and County Engineer, Kevin Mayberry. Topics covered included access roads and stop sign(s), as well as a plan to allow staggering of trucks on 230th, Barrus and 221st in order to ease traffic congestion and encourage safe driving/driving conditions.

Leick sent out 75 letters to residents on February 7, 2015. A copy of the letter was provided to Board Members.

Response to the letter included 3 people that met him in person and 3 people called. All that communicated with him voiced concerns and/or appreciation of efforts made towards neighbors.

Collins questioned location of properties. Leick answered by explaining the difference in location of the two properties which pertain to the Special Use Permits discussed this evening. The next SUP to be discussed is the current one (SUP 12-005). The new SUP is a different property SUP-15-001). It borders the other farm owned by Leick. Leick continued explaining the location is going to be South and East across from Bella Terra. In the Burr Oaks Circle that the VanPelts developed about 15-20 years ago. It will be just East of that.

Collins: You will be going through the same existing?

Leick: No. Currently, my other farm would be here. (Demonstrating on map to Board members of actual location.) Currently what we have is on the bottom of Barrus the trucks come out, which we have heard from people, causes a lot of congestion right there. This area here, where they are coming out of, they are required to yield because of the stop sign, it is a 45mph zone. What we are planning to do is use that stop sign as a staggering point between Barrus and 230th St and as they continue along. (Pointing on the map) This is the onsite basin that will control any extra silt and sediment. It will have the same plan that is required for soil extraction in the AR zone. (Continues to use map to describe locations of rumble strips, maintenance, etc.).

Leick informed Board of issues and complaints placed by neighbors regarding hours or operation and tarps covering trucks and his proposed solutions and his intent to accommodate them.

Whatcott: Presented Board with letters and emails from the public both for and against the SUP. Whatcott also presented Board with Petition from Mr. Golka.

b) Public Comment: Fifteen members of the public spoke voicing concerns such as the following:

- Need for covered loads
- Start and finish times
- Concern for public safety and health
- Excessive traffic
- Property values
- Weekend work schedules
- Noise
- Plea for a stop sign at Burr Oak Circle
- End date of project
- Request a traffic director
- Dust Control
- Twice the amount of traffic with two projects running
- Concern for health of animals
- Question who monitors project

Other points made in support of the project:

- Courteous Drivers
- Low amounts of dust
- Appreciates proactive methods by Leick
- Leick has listened to neighbors needs and has looked to offer resolutions
- Witnessed Leick direct traffic and sweep roads
- Great neighbor
- Has not broken any laws and followed rules as set forth by County
- Appreciate street sweeper and attempts to clear road of debris
- Leick has followed up on complaints by neighbors
- Project has raised property values, brought jobs and helped the local economy. Employees live and spend money in the Glenwood and Mineola area.

c) Staff Report: Mr. Whatcott read the staff report that was provided to the members of the Zoning Board of Adjustment.

- Trooper Bardsley presented to public and to Board regarding the traffic by the trucks and also by general public. Bardsley encouraged drivers to be safe as most accidents involved impatient drivers, not trucks. He presented that they are currently patrolling the area. He answered questions from the Board and public regarding traffic in that area.

d) Board Discussion: The Board discussed the SUP-15-001 with the following points addressed.

- Will both projects run simultaneously? The answer from Leick is no.
- Is the Ordinance currently in effect? Crouch answered that it would be once published in Wednesday paper.
- What is the haul route, where is the soil going? Answer from Leick, there is no definitive route. It is dependent upon what entity purchases the dirt.
- Is there an end time frame? Answered by Leick—on existing barrow, 30-40 days of hauling. Proposed one, there are currently no major projects to be able to give a good

estimation of that. This current SUP will be under review in February 2016 to discuss progress.

- Where does the bulk of the dust come from? Answered by Whatcott, the majority is from the trucks traveling on the gravel roads. Those with full dirt load, the dirt from the truck is minimal. The dust falls off of the side of the truck and a small amount can be blown from the top of the truck.
- Discussions for work time, holidays, weekends, covered loads, bus times, and rumble plates.

e) Board Action: Motion by Wilgenbusch to **Table** SUP #15-001 to the March 24, 2015 meeting. 2nd by – Bierman. Passed with a vote of 4-0.

8. Old Business: Re-Discussion/Formal Action on existing Zoning Special Use Permit **#12-005** from the August 27, 2013 ZBA meeting; for an 18-month second review of this SUP regarding any County and public concerns and/or issues for the existing Resource Extraction of soil materials at the location East of 230th Street and South of Brothers Avenue (Oak TWP) [Sec 12 TWP 73 Rge 43—Brief Legal Description: SW ¼ NW 1/4]

a) Applicant's Presentation. Applicant discusses HGM Engineering drawings of project, how much has been removed, what is yet to be removed and the layout of the land. Leick stated that there is approximately 30-40 "truck" days left. He stated he is unable to give an exact date because the delivery of loads is dependent upon weather and soil conditions. Leick wanted to note that prior to this project, this piece of property had 24-26 acres that were unable to be farmed; this project has changed that and will allow him to farm more of the land.

b) Questions and Comments from the Board consisted of:

- How much soil has been removed? Leick answered that 909,000 of one million cubic yards of soil has been removed. The top soil was pushed to another farm and will be replaced upon completion of this project.

c) Public Comment. Four people spoke regarding the existing Special Use Permit SUP-12-005. Comments by public included the following:

- What consists of a truck day?
- Why is an 18 month extension requested?
- Member of the public offered pictures of project to Board
- Noise
- Start times
- Dust control
- Appreciates covers on trucks offer
- Jake brakes overused
- Traffic issues are seen more as general public becoming impatient rather than truck drivers breaking the law.

d) Staff Report: Mr. Whatcott read the staff report that was provided to the members of the Zoning Board of Adjustment. Question to Leick: Will the project be completed by the end of the summer? Leick answered yes, it is proposed to be done by September 30, 2015 and alfalfa will be planted in fall. The soil condition will not allow us to start work until approximately June. Whatcott made point and Leick confirmed that both project will not run simultaneously.

e) Board Discussion: Conditions to be set:

- Hours set 7 a.m. to 5 p.m. Monday through Friday
- Hours set 7 a.m. to noon Saturdays
- No holidays and no Sundays

- Deadline date set for September 30, 2015
- No simultaneous work on SUP 12-005 and SUP-15-001.

b) Board Action: Motion by Biermann to approve conditions set. 2nd by Collins. Motion carried.
Next meeting to be held March 24, 2015 at 6:30 p.m.

9. Meeting Adjourned:

Motion to adjourn by Biermann; 2nd by Leick - Motion carried.
Meeting adjourned around 9:20 pm.

END