

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

The Dallas County Planning and Zoning Commission was called to order on **Tuesday, September 17th, 2019 at 5:00 P.M., in the Dallas County Board Conference Room at 902 Court Street in Adel, Iowa**, by chairman Craig Walter. Members Gail Smith, John Brummett, Michael Hegarty, and Richard Beechum were present. Members Sherry James and Cathy Erickson were absent. Murray McConnell, Director; Samuel Larson, Senior Planner; and Elizabeth Kilson, Office Manager, were also in attendance.

Approve Agenda:

Motion by R. Beechum **to approve** agenda as presented. **Seconded** by G. Smith. **Ayes unanimous. Motion carried.**

Approve Minutes of the last meeting of August 20th, 2019:

Motion by R. Beechum **to approve** the minutes of the last meeting of August 20th, 2019 as written. **Seconded** by M. Hegarty. **Ayes unanimous. Motion carried.**

New Business:

Item 1: A petition to consider approval of a Conditional Use Permit to allow a sand and gravel mining operation, Portland concrete batch plant, and a material crushing plant on parcels zoned A-2 (Agricultural/Floodplain/Conservation) located in Section 29 and 32, T78N, R27W (Boone Township), South of 360th St (F-90) and North of the Raccoon River **for Legacy Materials, LLC and Wittern Realty, INC.**

- C. Walter thanked the public for attending and gave information for how the meeting will be conducted:
1. Director's report on the conditional use permit process for mining applications and the Mining Advisory Committee member's recommendations.
 2. Petitioner's presentations.
 3. Questions from commission members.
 4. Public Comment: Announce that to ensure everyone has opportunity to voice their comments or concerns, citizen comments must be germane and have a three minute time limit. The commission may vote to extend the time limit, if they choose. Citizens wishing to speak must sign the Speakers List provided.
 5. Vote to close the public comment.
 6. Petitioner's Response to Public Comment
 7. Commission discussion.

M. McConnell speaking: gave brief history of Conditional Use Permits to mine sand and gravel previously granted in Dallas County. He also explained the process for a conditional use permit to mine sand and gravel. The Board of Supervisors appoints a Mining Advisory Committee, a seven (7) member committee, composed of the Dallas County Engineer (Al Miller), Dallas County Director of Conservation (Mike Wallace), Dallas County Administrator of Environmental Health (Ted Trewin), Dallas County Director of Planning and Development, who acts as chair of the committee (Murray McConnell), a geologist with expertise in mine reclamation (Phil Kerr, MS, of the Iowa Geological Survey), a representative of the applicant (Mark Lee, Lee Chamberlin Consultant Engineers), and a representative of residential and/or commercial developers active in the area in which the proposed use is to be located (Gerald Nugent, CEO of Knapp Properties).

He explained the members appointed to the Mining Advisory Committee met twice, once on June 13th and again on August 23rd 2019, to review the application material and provide a technical review of the proposal. They each composed their own report, and M. McConnell summarized each one. Copies are available in the office of Planning and Development.

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Petitioner Presentation:

Adam Doll, from Hopkins & Huebner, P.C., introduced himself. He gave a background of Wittern as a company and family history. They are a family owned and operated business and are present in Polk County and Dallas County. They are very involved in their communities. The proposed site is approximately 200 to 220 acres of Wittern land.

Mark Lee, Lee Chamberlin Consultant Engineers, gave a brief history of his career and experience. Explained the project details, site location, and the reclamation plan, and a proposed development for the lake when the mining is completed. The proposed batch plant is 1,000ft away from any residence. They proposed mining hours of 6am -6pm M-F, and Sat. 8am-1pm. The proposed rock crushing would have the same hours. The project will be safe, environmentally sound, and decisions were made with the neighbors in mind. There are several steps to mitigate any nuisances to neighboring properties, such as using electric equipment instead of diesel (once overburden is removed) to limit noise pollution; back up alarms will be set to lower volumes, while still complying with safety regulations; site lighting will be downward facing to reduce light pollution; installing a 17' (seventeen foot) berm with visual interest, landscaping where it looks natural, so the landscaping will be mature when the berm is removed and the mining is complete; water truck or irrigation on site to mitigate dust. He went on to explain the benefits to Dallas County and surrounding area, and the conservation area this will provide once completed. He emphasized how this proposal was nothing new to the area, referencing the previous sand and gravel mining conditional use permits that were granted to the east of this project. M. Lee explained the growth of the area, and the increasing need for construction material.

A. Doll closed by recapping the proposal, referencing the concerns that were voiced and speaking of the expert reports that were provided by the respective professionals. The Model 9D Site Suitability study shows this area as highly suitable. He highlighted that you shouldn't develop over resources.

Questions from the Commission Members

M. Hegarty asked where existing crushing plants were located.

M. Lee responded that most mining operations have a company come in and crush material and then leave. He advised that this proposed operation would not have their own crushing equipment, explained cost and maintenance, and that they would stockpile material and have a group come in to crush it

R. Beechum asked how often they would crush.

M. Lee estimated a dozen times per year, possibly once a month, but advised that would depend on projects

G. Smith asked if they would accept concrete (from offsite) to stockpile.

M. Lee advised that would depend on the project at the time

C. Walter asked if the crushing is not allowed, does the proposal fall apart.

M. Lee advised no, the project would not. But the synergy falls apart

R. Beechum asked if the future recreation area would be public or if it would be private and just for the residents of the proposed development?

M. Lee said that was not determined at this time, but mentioned liability of allowing public access to a private lake.

Public Comment

Peter James 33135 Cheri Ln, Fox Creek, voiced concerns about traffic increases from this project, in addition to the traffic increases from Mills Civic Parkway; water well supply and quality concerns, and does not want a public park in the area after mining is completed, is opposed to granting the mining permit.

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Gordon Martens, 36119 Old Portland Rd, stood and advised his questions were answered in the presentation.

Jason Alexander, 35064 Bordeaux Cir, Napa Valley, provided picture of view and written comments to the board. He voiced his opposition to the mining conditional use permit, stating truck traffic concerns, safety, light pollution at night, and was worried about property values.

Scott Sandberg, 33051 Walnut Pl, Fox Creek, trustee for Fox Creek Benefited Water District. They are opposed to mining conditional use permit. He voiced concerns about how the mining operation and future 200 acre lake would negatively affect the wells they have that service three neighborhoods, very concerned with contamination and water quality and water tables.

Rick Levi, 35305 Cabernet Cir, Napa Valley Crest, is opposed to the mining operation. He echoed the concerns about water quality, source and possible contamination, mentioning they've had to ration water in the past.

Sharon Krause, 30375 Napa Ranch Rd, voiced concerns about road quality and safety, specifically along Ute Ave going north. The road is already a farm to market road and allowing this will make Ute a major arterial road. Also wanted to advocate the suggestions and conditions of Gerald Neugent's Mining Advisory Committee report.

Jaime Price, 31194 Napa Valley Crest Dr, Napa Valley Crest, voiced concerns about road safety and conditions of existing roads, echoed S. Krause and Gerry Neugent's report for conditions, asked for conditions on hours/days of operation, no Saturdays, no batch plant, concerns about dust and wind direction.

Scott Polittle, 35153 Bordeaux Cir, Napa Valley, echoed the suggestions and conditions placed in Gerry Neugent's report. Voiced concerns about water quality, would like to see contingency plans in place, concerns about R-22 (Ute Ave) and its condition and ability to handle additional truck traffic, would like to see same/similar conditions that were placed on the previous mining operations (referencing Hallet and Martin Marietta operations). He would also like to see the berm established right away.

Gerry Neugent, representing Raccoon River Valley Land Co, also a member of the Mining Advisory Committee. He emphasized his report and the conditions laid out, no batch plant, no crushing, would like to see similar conditions to the previous two mining operations. He also brought up that the zoning ordinance only allows for temporary batch plants, 18 months in length and specific to a project.

Joan Schooley, 31324 Chardonnay Pt, Napa Valley, echoes all the concerns so far, home values, water quality, truck traffic, road safety, advised that Ute is extremely dangerous.

Debra Mitchell, 31637 Napa Valley Dr, concerns about air quality, what types of particulate matter would the rock crushing release into the air? Will trucks leaving the facility have tarps on them to keep dust/debris contained? Voiced concerns about the train tracks and the traffic stops they cause – adding large truck traffic will increase potential for accidents. Asked that the commission give thoughtful pause to public comment.

Al Miller, Dallas County Engineer, also on Mining Advisory Committee. Recommends the reclassification of Ute Ct.

Alyson Halley, 31353 Booneville Rd, voiced concerns about sounds from the mining and crushing operation. Echoed similar concerns of safety and traffic.

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John Lazdins, 35647 Ute Ave, voiced concerns about dust, noise and traffic. He owns Waveland Cafe/Bar and is concerned about how this will affect his business, the customers enjoy sitting on the patio. He also stated he did not believe he was 1,000 feet from the proposed operation. He voiced health concerns from the dust, mining operation.

No more names on the speaking list. No one else asked to speak.

Vote to close the public comment:

Motion by G. Smith to close public comment. **Seconded** by R. Beechum. **Ayes unanimous. Motion carried.**

Petitioner's Response to public comment:

M. Lee stated the facts from the well water reports. He stated that while the river will come in to the lake, because it is lower, the water table will approximately be the same, as they are not discharging water. Speaking of the batch plant, he asked if Hallet or Martin Marietta asked for one.

Water study dates are 07/30/19, 08/07/19 08/06/19 (both morning and night), and 08/16/19.

Concerning dust: sand and gravel mining is a wet processing plant. Any dust would come from trucking - they will have irrigation or water trucks on site to mitigate dust, the entrance will be paved, the road is paved. M. Lee did state that crushing does make dust, so they would need to research mitigation for that.

Commission Discussion and Deliberation:

R. Beechum agreed that crushing is noisy. He would like to see consistent conditions placed on this operation as the previous mining operations approved by Dallas County Board of Adjustment.

G. Smith stated that the 10¢/ton was not unfair to do, and that the berm should be installed quickly. He also stated that the rock crushing and batch plan would slow down the mining operation. They could come back at a later date to request crushing and the batch plant after more research has been conducted.

M. Hegarty stated that De Soto has a place to crush rock, traffic is in the area already.

J. Brummett asked for clarification on the previous mining operations' 10¢ tonnage fee - what that money was to be used for.

G. Neugent stated that was to be used as a conservation fund.

M. Hegarty stated that an estimated 400,000 tons would equal \$40,000.

No more discussion between members.

C. Walter asked if there was a motion, J. Brummett asked for a summary of staff report that was stated at the beginning of the meeting.

M. McConnell summarized the report.

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Motion by R. Beechum to recommend approval of the sand and gravel mining operation, with the following conditions (conditions approved for Hallett and Martin Marietta, plus crushing limits placed on those two operations by West Des Moines):

1. Electric power for dredge and de-watering equipment (once feasible)
2. Hours of Operation: M-F 6:00 AM to 6:00 PM, Sat 8:00 AM to 1:00 PM
3. Downward facing lighting not to exceed 1-foot candle at the property line
4. Construction of a 12-foot high landscaped berm along North property line
5. Urethane or similar noise reducing material shall be used to line all chutes
6. Install a sprinkler system or water truck that will wet the haul road surface as needed to suppress dust on site
7. Mining shall be limited to ten (10) years from the date of the permit being issued
8. Develop a reclamation plan for the property. Upon the completion of the mining, the owner/developer shall post a reclamation bond in the amount of \$500,000.00 to secure its obligation to reclaim the property according to the reclamation plan. The reclamation shall be completed within completed no later than two (2) years following the termination of the mining operation.
9. Rock crushing activities are limited to materials mined within the site (no material trucked in from off-site) for a total of thirty (30) business days between October 1st and April 1st, M-F 8:00 AM to 6:00 PM, no Saturday rock crushing
10. No permanent batch plant allowed.

Seconded by G. Smith. **Ayes** by J. Brummett, G. Smith, R. Beechum, and C Walter. **Nay** by M. Hegarty. **Motion carried.**

C. Walter asked for any other items to come before the commission, collective nay.

Motion by G. Smith to adjourn meeting. Seconded M. Hegarty. Ayes unanimous. Meeting adjourned at 7:10 P.M.

An audio recording of this meeting is available upon request from the Dallas County Department of Planning & Development.

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Craig D Walter 10/15/19
Craig D. Walter Date
Chairman, Planning & Zoning Commission

STATE OF IOWA)
COUNTY OF DALLAS)

Signed or attested before me on 10/15, 20 19 by Craig D Walter.

Elizabeth Kilson
NOTARY PUBLIC



(SEAL)

Samuel Larson 10/15/19
Samuel Larson Date
Senior Planner, Planning & Development

STATE OF IOWA)
COUNTY OF DALLAS)

Signed or attested before me on 10/15, 20 19 by Samuel Larson.

Elizabeth Kilson
NOTARY PUBLIC



(SEAL)