

Cerro Gordo County Planning & Zoning Staff Report

SPECIAL USE

Case No.: 21-20

Use Request: 20.2(JJ) Extraction of sand & gravel;
quarry & crush limestone

Current Zoning: A-1 Agricultural

Address: Not applicable

Legal: Sec. 24, Lincoln Twp & Sec. 19 Lime Creek Twp

Date of Application: October 5, 2020

Owner: DMCN Properties, LLC

Petitioner: Corey Nichols/DMCN Properties, LLC

Size of Special Use: ±295 acres

Size of Parcel: ±295 acres

Hearing Date: October 27, 2020

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

Corey Nichols (NISS Excavation, Inc/DMCN Properties, LLC; hereinafter referred to as Nichols) proposes to extract gravel/limestone from the property for the purpose of resale of aggregate products, such as sand and gravel for roads. The proposed special use will include the processing and crushing of limestone for the purpose of different product. The proposed area for the whole of the special use includes Section 24 of Lincoln Township and Section 19 of Lime Creek Township. Processing of materials is proposed in the area outlined in red on the included site plan, primarily in the northeast portion of the property in Section 19 of Lime Creek Township (See Figures 1 & 2). . Extraction will begin in the areas labelled "Phase 1 Area" and "Phase 2 Area" (See Figures 3 & 4). Extraction will proceed within the area for the special use as the quality of rock determines. All stockpiling of product will occur toward the east side of the property as labelled on the site plan (See Figure 5-7). No blasting is proposed as a part of the special use.

The property is on the site of the former Holcim quarry. All quarrying activity by Holcim ended in 2007. Nichols' operations will, in effect, recycle the shot rock that Holcim infilled their operations with at the end of the life of the former quarry. As a result, no blasting is needed.

Nichols will be required to register with the state for all required permits, such as water use, stormwater discharge, floodplain excavation, and air quality. Reclamation will be required at the end of the useful life of the operation.

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

All land within the project site is zoned A-1 Agricultural. The property is currently used for aggregate stockpiling and hauling.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All land adjacent to the project area is zoned A-1 Agricultural. The property sits in the former Holcim quarry. The Lehigh Portland Cement Company has its existing quarry operations adjacent to the north and also owns land to the west, likely reserved for future quarry operations. North Iowa Sand and Gravel leases land for similar operations to the east and southeast. Quick Supply has its offices and explosives storage facility to the northeast.

The nearest residence is at 12874 300th Street (County Road B-20), which is adjacent to the property south of the Winnebago River but approximately 1000' to the southwest of the "Area of Crushing." The applicant's written

narrative states that, "The nearest residence is to the South and West of the proposed area and both are 2000 +/- feet from any operations."

GENERAL FINDINGS:

1) HARMONY AND ACCORD WITH GENERAL PRINCIPLES AND PROPOSALS OF ZONING ORDINANCE -

The intent of the A-1 Agricultural District is to accommodate agricultural uses that are designed to permit the continued use of such land for agricultural purposes. However, the special use proposed is allowed in the A-1 District by Special Use Permit granted by the Board of Adjustment.

The proposed project site meets the setback requirements of Section 20.2(JJ) of the Zoning Ordinance for extraction and primary material processing of coal, stone, gravel, clay, dirt or ores. The Ordinance requires that primary material processing not take place less than 1000 feet from a residential district or residence if not in a residential district. The nearest residence is at 12874 300th Street, which is adjacent to the property south of the Winnebago River but approximately 1000' to the southwest of the "Area of Crushing." The applicant's written narrative states that, "The nearest residence is to the South and West of the proposed area and both are 2000 +/- feet from any operations. The property, at its closest point, is over 500 feet from 300th Street (County Road B-20) and operation area is well beyond that, so the special use will be well beyond the required mining setback of 300 feet from a public right-of-way. Any material extraction will be at least 1000' plus from the nearest residence as well. However, extraction will begin on the opposite side of the property as the nearest residence, so the special use will not likely be noticeable at first to any neighbor to the south, if ever.

The property is accessed via a haul road from 300th Street (County Road B-20), which is a primary transportation route, just west of the railroad tracks that cross the highway. Truck traffic from North Iowa Sand and Gravel has been using this road since 2012. There is also a haul road that is just to the east of the railroad tracks use by Lehigh and Martin Marietta. So such activity already exists in the area and does not add any significant impact to traffic.

2) COMPATIBILITY OF USE WITH APPEARANCE AND ESSENTIAL CHARACTER OF AREA -

Uses in proximity to the proposed special use is primarily quarrying activity from Lehigh Portland Cement Company and North Iowa Sand and Gravel and the explosive storage and office operations of Quick Supply. There are two residences to the southwest that are over 1000' from any primary operations area. Quarry operations can be disruptive to residential uses with noisy operations, particularly with the proposed material processing such as rock crushing, and potential for fugitive dust from regular operations. With reasonable conditions adopted in the Special Use Permit, these impacts can be mitigated, or eliminated due to the location of the operations. This portion of Lime Creek Township north of Mason City and a part of Portland Township are the most mined areas in the county.

3) IMPACT ON EXISTING AND FUTURE USES, VICINITY, AND COMMUNITY AS A WHOLE -

The proposed special use sits on the former Holcim Quarry that began operation in approximately 1950 and is surrounded by other quarry operations and other heavy uses. The proposed special use essentially recycles left behind material from the previous quarry operation that ceased in 2007. Berms have previously been installed when Holcim developed the ponds as a part of their reclamation process. Nichols is required to file a reclamation plan with the state under Iowa Code Section 208.17 and file a reclamation bond under Section 208.23. The narrative states that a part of their reclamation will be increasing the size of the berms, which could also eventually result in improved flood mitigation for Mason City (The ponds contributed in reducing the potential damage of the 2008 floods in Mason City when the Winnebago River breached the berms). Additional reclamation could involve future county parks or reverting the land back to farmland.

The large mining area could provide decades worth of material. Therefore, it may be years before nearby residences are impacted, if at all, by the quarry operation. The existing berms and vegetation already virtually

eliminate all visual, noise, or dust impacts from 300th Street (County Road B-20), and likely significantly mitigate such impacts to the nearest residences.

4) ADEQUACY OF PUBLIC SERVICES (i.e., highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools) -

The existing quarry is served by a haul road off 300th Street (Country Road B-20) just west of the railroad tracks that cross the road, which is a primary transportation route. Truck traffic from North Iowa Sand and Gravel has been using this road since 2012. 300th Street is a paved road serving an average of 2,410 vehicles per day. Traffic counts may slightly increase as a result of the special use. There has been some existing traffic generated from the property due to the stockpiling activity already occurring onsite. 300th Street is capable of handling any additional traffic as a primary transportation route.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Mason City Fire Department provides fire protection and ambulance service. The project should not result in a significant increase in demand for either service.

The quarry should not require water or sewage facilities. If any facilities are needed, well and septic permits will be required from CG Public Health. Refuse disposal is the responsibility of the applicant. There should be no impact on schools as a result of this project.

The subject property is not within a drainage district. There is a significant mapped floodplain on the west side of the property where the existing ponds are located (See Figure 8). Berms have already been stalled during the times Holcim operated on the property. The intention for the operation is to dredge and increase capacity of the ponds over time. The Iowa DNR requires permits for water use and for excavation in any FEMA-designated floodplain; such permits, along with a local Floodplain Development Permit, must be obtained and copies provided to the Planning and Zoning Office prior to mining activities taking place prior to any excavation or activity taking place in these areas. The narrative states, and reiterated in my conversations with Nichols, that a part of reclamation of the property is to increase the capacity of the ponds and further develop and manage the drainage onsite. This will likely have the added benefit of additional flood hazard mitigation for Mason City downstream in the long run.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

The proposed quarry expansion should not require the expenditure of public funds for additional public facilities or services.

6) POTENTIAL DETRIMENTS TO PERSONS, PROPERTY, OR GENERAL WELFARE (i.e., excessive traffic, noise, smoke, fumes, glare, or odors) -

The site is already significantly visually screened to the point that the operations are virtually invisible from 300th Street (County Road B-20) with the exception of the haul road. Berms were installed during Holcim's former quarry operations, and significant vegetation already exists to the south (See Figure 8). As a result, no additional berms or vegetative screening are necessary to mitigate impacts to the closest residents to the south.

Noise may be created from rock crushing. Noise may be controlled by adhering to the required 1,000' setback for primary material processing and 300' setback for any mining from any residence. State law requires that Nichols maintain an average noise level of 85dB or less over an eight-hour time period at the property line. 85dB is about the same amount of noise that a vacuum cleaner or busy traffic produces. The nearest residence is at 12874 300th Street. Any material extraction will be at least 1000' from the residence, but any operations will likely be over 2000', due to the existing ponds. The significant distance and existing buffers and vegetation will likely mitigate any noise from the operation. Blasting will not be taking place as a part of the proposed special use.

The same goes for dust, which is the other major concern with quarry uses. Berms, vegetation, and setbacks help mitigate the impacts of fugitive dust on nearby properties. It should also be noted that state and federal law

prohibit operators from allowing fugitive dust from quarries, mines, and the like from crossing property lines. Dust control is a typical condition in Special Use Permits for quarries and should be applied to this permit as well.

Recommended Condition 12 of the Special Use Permit requires that the applicant obtain the necessary federal and state permits in order to mine and process rock and discharge water (if necessary), as well as an official determination from the state floodplain office on requirements for a Floodplain Development Permit. A listing of required permits is included later in this report. Providing copies or documentation for all required state and federal permits and approvals, once received, to the Planning and Zoning Office should be made a condition of the permit.

7) COMPATIBILITY AND CONSISTENCY WITH THE INTENT AND PURPOSE OF THE ZONING DISTRICT -

The A-1 Agricultural District affords the applicant the necessary distances to minimize or eliminate adverse impacts of the operation. The proposed site is in proximity to similar existing uses. Any structure to be placed on the property would have to conform to the height and setback distance requirements of the A-1 District.

The ordinance states that, "The Agricultural District is one of agricultural uses which is designed to permit the continued use of such land for agricultural purposes." No farmland will be taken out of production as a part of the special use. At the end of the useful life of the special use, it is a possibility that land may be put back into agricultural production as a part of reclamation.

8) COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -

Policy 6.1.7 of the 2004 Comprehensive Plan Update states that the county should, "Protect known mineral and aggregate extraction areas, whether developed or undeveloped, from encroachment by incompatible development and reserve such areas for extraction purposes." The plan recognizes the importance of aggregate extraction operations in Cerro Gordo County. This is a former quarry for Holcim, and the proposed special use repurposes the existing shot rock. The use of this land for extracting aggregate is compatible with the Comprehensive Plan Update.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

JJ. Extraction and primary material processing of coal, stone, gravel, sand, clay, dirt or ores. **The application is for the extraction and processing of limestone.** The Board of Adjustment will look to determine how the operation will minimize fugitive dust, protect hazardous areas from errant children, and locate only where the County roads are adequate to meet the trucking needs of the operation. **Under federal and state law, Nichols is responsible for seeing that fugitive dust does not go beyond property lines. The ponds onsite are used for dust suppression by watering internal roads and during crushing of aggregate. Material will be hauled on the quarry's internal roads and shipped offsite via 300th Street (County Road B-20). The operation will continue to use the existing haul road to access the property. Any needed dust control on the haul road should be arranged between the users of the haul road privately. 300th Street is paved and sufficient for this type of traffic. Berms and significant vegetation already exist from the former Holcim quarry operation in all directions, so no additional berms or vegetation is necessary.** If the extraction does not create a large body of water, topsoil shall be stockpiled and returned to reclaim the land for future crop production once the operation ceases for more than one (1) year. **The applicant states that the existing ponds will be enlarged as a part of reclamation. Other reclamation could include reverting the land back to agricultural use or parks at the end of the useful life of the special use.** Primary material processing shall not take place closer than one thousand (1000) feet from an existing residential district or neighboring residence. No phase of the material extraction shall take place within three hundred (300) feet from an existing residential district or neighboring residence nor the right-of-way of any public street or highway. **The above provision has been recommended as a condition of the SUP. The site plan shows the minable area is setback 300' from all right-of-way lines. It also shows the 1000' setback from the nearest residences. The designated future**

stockpile areas are more than 300' from the right-of-way of 300th Street (County Road B-20). The requirements of Article 18.12(b) and (C) shall be adhered to. Review for compliance is below*. All state and federal requirements must be adhered to. **Statutory requirements are listed below. Compliance with such requirements is a recommended condition of the SUP. Any permit required by any other governmental entity must be obtained prior to the operation of the activity for which the permits are required, with such proof of such permits being filed with the Cerro Gordo County Zoning Administrator prior to the operation of the activity for which the permits are required. **Requiring copies of such permits is included as a recommended condition of the SUP.** Failure to file copies of such permits with the Cerro Gordo County Zoning Administrator may be grounds for revoking the special use permit granted pursuant to this section. A-1, M-2 District. **All property in the project area is zoned A-1 Agricultural.****

***18.12 APPLICATION**

B. Site Plan

The site plan should be drawn at a scale of not less than 1" = 100' and twelve (12) copies of the site plan shall be submitted with the permit application. **The scale requirement is not mandatory. The large area included in the proposed site is at a scale of 1" = 800'.** The site plan shall include but not be limited to the type of structure proposed, number and size of dwelling units, floor area of office or industrial building, buffers, landscaping, parking area, walls, density, floor area ratio, sewer and water proposed, anticipated expansion and other information deemed necessary to illustrate compliance with the requirements of the Ordinance. In addition, the map will show dimensions of open-space, public dedications, and the horizontal and vertical dimensions of all proposed buildings and structures. **The site plan appears to meet the applicable requirements stated above.**

C. Statement

An explanatory statement of the general purpose of the project shall accompany the application. The statement shall supplement the site plan with narrative information. The adoption of the text of the statement specifying the particular non-residential uses shall constitute a limitation to those specific uses. **This should be made a condition of the Special Use Permit, if granted.**

ZONING DISTRICT REQUIREMENTS:

Requirements of the zoning district for which the proposed special use is to be located are as follows:

- Minimum parcel size is 10 acres. **Parcel size is well above this requirement.**
- 7.5 Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet. **No structures are currently proposed.**
- 7.6 Yard Requirements. Each lot shall have front, side and rear yards not less than the depths or widths following:
 - A. Front yard depth, fifty (50) feet. **This requirement will be met.**
 - B. Each side yard width, twenty-five (25) feet. **This requirement will be met.**
 - C. Rear yard depth, thirty (30) feet. **This requirement will be met.**

STATUTORY REQUIREMENTS:

Additional requirements under Iowa Code and federal law pertain to the Special Use applied for:

State/Federal Permits and Requirements to be met:

- Iowa Mining License – Iowa Department of Agriculture & Land Stewardship
- Noise may not exceed the 85dB level over an 8 hour weighted average at the property line – US Dept. of Labor, Mine Safety and Health Administration (30CFR, Part 56.5050)
- Reclamation Bond – State of Iowa
- Mine registration and bond – State of Iowa
- Chapter 208, Code of Iowa
- Chapter 64, Iowa Administrative Code

State/Federal Permits and Requirements to be Met Under Certain Circumstances or if Necessary:

- National Pollutant Discharge Elimination System (NPDES) Permit – IDNR (if required)
- Water Use Permit – IDNR
- Storm Water Discharge Permit – IDNR
- Air Quality Permit – IDNR
- Joint Application Review for floodplain excavation (Sovereign Lands, IDNR, and Army Corps of Engineers)

STAFF ANALYSIS AND RECOMMENDED ACTION:

The former Holcim quarry operated at this site beginning in 1950, and this property has been under and surrounded by other quarry operations and heavy uses ever since. There are existing berms and heavy vegetation that make operations in the area largely unnoticeable from 300th Street (County Road B-20) except for the existing traffic from the haul road. The repurposing of the shot rock and stockpiling from the former quarry is a logical use for the site.

Significant buffering from noise or dust impacts, particularly to the nearest residents, already exist. Access to the site will utilize the existing haul road west of the tracks from 300th Street into the quarry. The biggest impacts from quarries are typically from fugitive dust and noise. All rock crushing will be approximately 2000' from the nearest residences to the southwest. No blasting will be a part of the operation onsite, which is a recommended condition of the permit.

Federal and state regulations prohibit fugitive dust to cross property lines. A recommended condition of the Special Use Permit for the quarry requiring compliance with the state and federal regulations pertaining to fugitive dust is included. Likewise, there are federal and state laws restricting the amount of noise that can be generated by quarries. Noise sources cited above include short-term noises such as backing alarms as well as more long-term noises such as rock crushers. That is why the ordinance restricts primary material processing (i.e., the crushing of rock) from being closer than 1,000' from any residence.

The property is accessed from a haul road accessed from 300 street (County Road B-20) from the southeast. The haul road shares a use with the operations of North Iowa Sand and Gravel to the southeast. I have included a recommended condition that any needed dust control for the haul road should be done via private arrangement with North Iowa Sand Gravel.

The Board would be hard-pressed to find reason for denial of the request. I recommend approval of the application, subject to the following conditions:

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT:

Note: In granting a special use permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a special use permit.

The following conditions are recommended:

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the extraction and primary material processing of limestone that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner

- which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
 5. County representatives shall have the right to enter the premises at any time to make or have made inspection and/or conduct tests as may be necessary, after notifying the applicant.
 6. This Special Use Permit shall be applicable to Corey Nichols, NISS Excavation, Inc., DMCN Properties, LLC, and any successors and assigns or future owners of the property.
 7. This Special Use Permit applies solely to the extraction and primary processing of limestone, sand, and gravel.
 8. The applicant's site plan and application documents are adopted as presented. Development of the special use shall not deviate from the site plan or application documents without the consent and approval of the Board of Adjustment.
 9. The applicant shall adhere to Zoning Ordinance requirements, including the following:
 - a. Primary material processing shall not take place closer than one thousand (1,000) feet from an existing residential district or neighboring residence.
 - b. No phase of material extraction shall take place within:
 - i. Three hundred (300) feet from an existing residential district or neighboring residence, nor any right-of-way;
 - ii. Fifty (50) feet from neighboring property lines where the neighboring property is not owned or leased by the applicant.
 10. No blasting shall be done as a part of the operation. The hours of operation shall be restricted to 7:00 a.m. to 5:00 p.m., weekdays, and 7:00 a.m. to 12:00 p.m. on Saturdays. The applicant shall contact the Zoning Administrator at least 24 hours in advance for operation outside of these hours. Operations outside of the specified hours shall not last longer than three consecutive weeks.
 11. On-site dust control shall be the responsibility of the applicant. No fugitive dust shall cross property lines in accordance with State and Federal regulations. The applicant shall be responsible for ensuring fugitive dust from the operation of the proposed special use remains on the property in accordance with State and Federal law.
 12. All permits required by any other governmental entity, including but not limited to the Department of Natural Resources, Iowa Department of Agriculture & Land Stewardship, Federal Bureau of Mines and the U.S. Environmental Protection Agency must be filed with the Cerro Gordo County Zoning Administrator prior to the operation of the activity for which the permit(s) is required. Failure to file copies of such permits with the Cerro Gordo County Zoning Administrator may be grounds for revoking this Special Use Permit.
 13. An official determination from the Iowa DNR for Floodplain Development Permit review process shall be obtained prior to any excavation or altering of the FEMA-designated floodplain. A local Floodplain Development Permit shall also be required for the same.
 14. Any topsoil and overburden removed for mining purposes shall be retained on-site for future reclamation of the site as applicable.
 15. No established berms or vegetation within one thousand (1,000) feet of the west and south property lines or within one thousand (1,000) feet of any residence or residential district shall be removed.
 16. The applicant shall not permit a noise or dust nuisance to be created as a result of the activities authorized by this Special Use Permit. The Zoning Administrator, with the possible assistance of the CG Public Health shall promptly investigate any and all noise or dust complaints. The applicant shall take such reasonable steps as the Zoning Administrator and/or CG Public Health may require to eliminate or mitigate a nuisance.
 17. It shall be the responsibility of the applicant to make private arrangements with North Iowa Sand Gravel for any needed dust control for the shared haul road accessing the property.
 18. It shall be the applicant's responsibility to ensure they comply with all state and federal rules, regulations, and standards, including, but not limited to, water use, wastewater, air quality standards, mining standards, and reclamation of land at the end of the site's useful life.
 19. A Zoning Permit shall be obtained prior to the construction or placement of any structures, temporary or permanent, onsite, including, but not limited to a wash plant, rock crushers, or buildings. All required permits for any new well or wastewater facilities shall be obtained from CG Public Health.

QUESTIONS & COMMENTS:

Proposed motion on application: To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for establishment and operation of a quarry for the extraction and primary material processing of limestone, gravel, and sand, and further, that the grant of the application be made effective immediately and on the condition that Corey Nichols, NISS Excavation Inc., and DMCN Properties, LLC shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Proposed motion for denial of application: To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

Prepared by:

John Robbins

Final draft date: October 15, 2020

Case No. 21-20
Corey Nichols for DMCN Properties, LLC (Section 24, Lincoln Twp & Section 19, Lime Creek Twp)

Figure 1

Looking southerly at the general area where material processing/crushing will take place



October 8, 2020, J. Robbins

Figure 2

Looking southerly at the general area where processing/crushing will take place



October 8, 2020, J. Robbins

Figure 3

Looking at the general "Phase 1 Area" location



October 8, 2020, J. Robbins

Figure 4

Looking at the general "Phase 2 Area" location



October 8, 2020, J. Robbins

Figure 5
Looking at stockpiling of sand



October 8, 2020, J. Robbins

Figure 6
Looking at stockpiling of small gravel aggregate



October 8, 2020, J. Robbins

Figure 7
Looking at stockpiling of large gravel aggregate



October 8, 2020, J. Robbins

Figure 8
Looking southwesterly toward the existing pond and vegetation



October 8, 2020, J. Robbins

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 10/5/2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), NISS Excavation, Inc./ DMCN Prop.LLC Corey Nichols President/ Director
(NAME)

OF PO Box 1272 Mason City, IA. 50402
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this Application/Appeal based on the letter written by the Zoning Administrator dated _____ for the reason that it was a matter which, in his/her opinion, should come before the Board of Adjustment.

This Application/Appeal is: (Please Check One)

- A Variance to a Zoning District requirement where there are unusual conditions or circumstances which cause a hardship when the provisions of Zoning are strictly applied.
- A Special Use listed in Article 20.2 of the Zoning Ordinance upon which the Board is required to act under the Ordinance.
- An Appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

The property affected is located in Section 19&24 of Lime Creek 19/Lincoln 24 township.
The property affected is zoned A-1 according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: parcel #'s 022420000400, 022440000200, 031910000500, 031910000600, 031930000100, 031930000200

I am the Owner Contract Purchaser Other (Explain) _____
_____ of the property affected.

Describe what you are proposing to do on the property affected.
Rock Crushing and Stockpile

I (We) grant permission to the Planning & Zoning staff and Board of Adjustment members to enter onto the above described property for purposes of review.

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate.

Signature of Applicant Corey Nichols President/ Director

OFFICE USE ONLY

Date Filed _____ Case Number _____

Date Set for Hearing _____ Fee Paid _____

Application/Appeal was Granted Denied Tabled



NISS Excavation, Inc./ DMCN Properties, LLC. has submitted this application for a Special Use Permit for land North of Mason City, Iowa formally mined by Holcim. NISS Excavation, Inc. intended use for the area under the SUP will be to crush limestone that has already been blasted and left behind by the previous owner. We believe our operation is of the same nature as the past landowner which started their operations sometime around 1950 and discontinued operations sometime around 2007, and the neighbors to the North and East have been mining the area for roughly the same time frame and continue to do so. With this permit we will continue quarry activities that will not adversely impact the health, safety, and welfare of our community and follow all Local, State, and Federal guidelines. The nearest residence is to the South and West of the proposed area and both are 2,000 +/- ft from any operations. With respect to all neighbor's and employees dust control will be applied and maintained by NISS Excavation, Inc. for the safety and health of all. The entire site has all appropriate berms and gating for security to the public and employees. As stated above there will be no blasting activity on our site for reason the previous landowner has already done so to uncover the rock they needed for their process, so essentially we will be recycling the rock that was left behind and not needed. Our reclamation plan is to make the pond larger, with respect to the water and discharge from our operation no water will be used in the production of gravel other than dust control. The route used to access the site is 300th St. (b-20) in our opinion is adequate to serve the needs of our site no additional cost to the public is foreseen as we will be serving our needs and others from the service area. With consideration and acceptance of this SUP NISS Excavation, Inc. will continue to contribute to the local economy through Payroll, Tax Dollars, Purchases from Vendors in the Area, and providing Construction Materials for future growth.

The site map will show the entire area we will be crushing and stockpiling materials. We do not own a crusher at the present time but will be renting with option to buy the one we are considering will be on tracks and be mobile. The Phase one and phase two areas we have confirmed the shot rock to be suitable for materials we would like to produce. From there we will excavate in the area outlined to find the next best place to strip and crush.

NISS Excavation, Inc. has served the community for 15 years. Please feel free to check out our facility 3609 S. Federal Ave. Mason City we have just updated our property with a new office and other land improvements we maintain and upgrade our facilities to represent and Thank the community we live in!



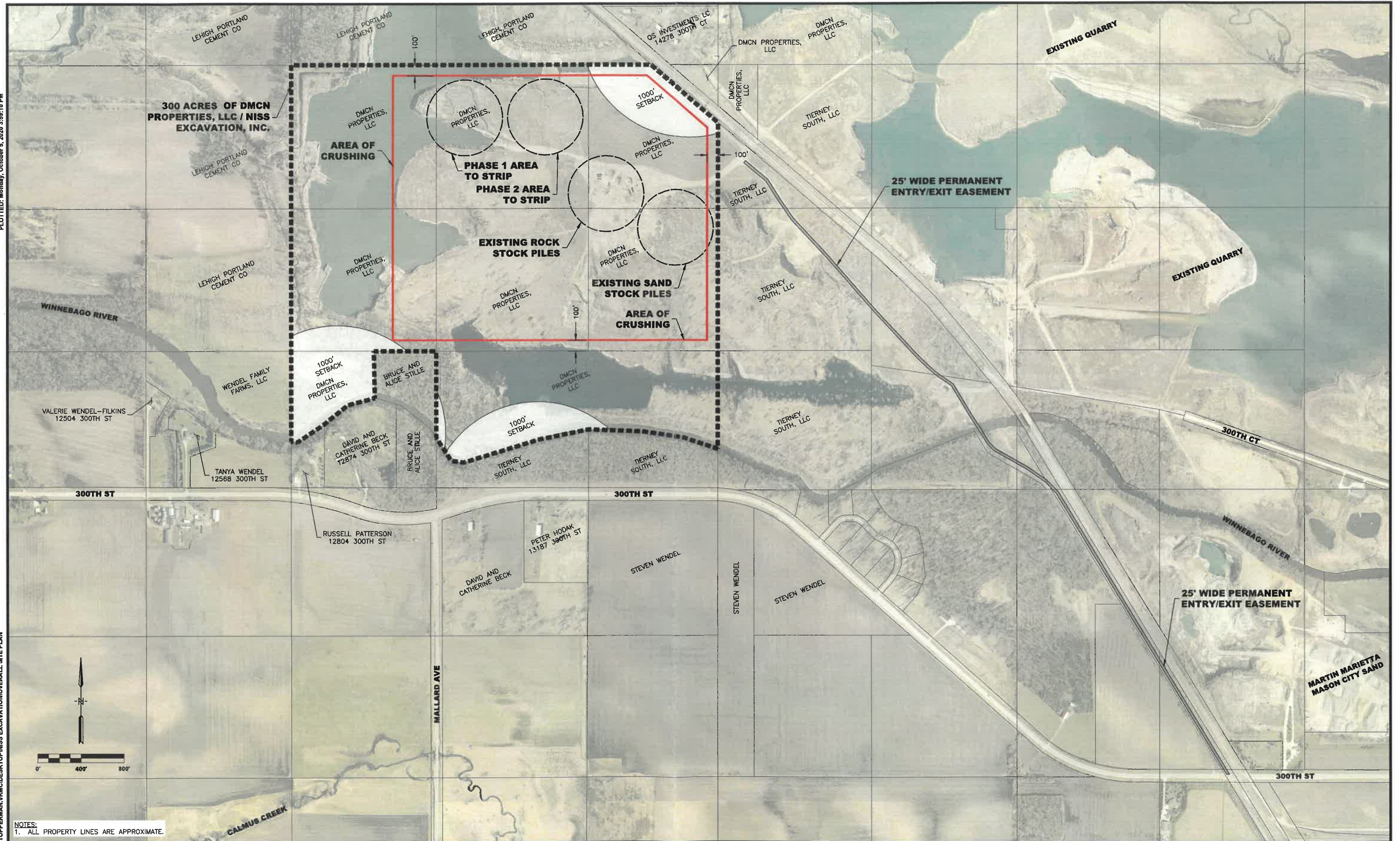
Thank You,

Corey Nichols

President/ Director

PLOTTED: Monday, October 5, 2020 3:59:10 PM

X-REFS: 2016 County Photo
 FILE PATH: C:\USERS\TOPPERMAN\VKM\DESKTOP\NISS EXCAVATION\OVERALL SITE PLAN



NOTES:
 1. ALL PROPERTY LINES ARE APPROXIMATE.

DATE	REVISIONS

SCALE	AS NOTED
DRAWN	TLO
CHECKED	JAP
APPROVED	JAP
DATE	10/2/2020
ISSUED FOR	

VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING.
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

VEENSTRA & KIMM, INC.

**DMCN PROPERTIES PIT
 CERRO GORDO COUNTY, IA**

2800 Fourth Street SW • Suite 9 • Mason City, Iowa 50401-1596
 641-421-8008 • 641-380-0313(FAX) • 877-241-8008(WATS)

SITE PLAN

DWG. NO.	1
PROJECT	364-306

nichols



04/28/2019

