

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Item #2
9/3/19

Timothy Huey
Director

To: Mahesh Sharma, County Administrator
From: Timothy Huey, Planning Director
Date: August 27, 2019

Re: Staff recommendation on the State Construction Permit Application of JT Cleona Pork LLC. in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 T79N, R2E (Cleona Township) for two confined animal feeding buildings at 24155 10th Avenue in unincorporated Scott County.

On July 19th the above referenced application was submitted to Scott County prior to submission to the Iowa DNR. Scott County has 30 days from the date it is received by the DNR to submit comments and a recommendation on that application. The DNR notified Scott County on August 1st it had received this application. Notice of the receipt of this application was published as a public notice on August 7th. A public hearing was held on August 22nd. The IDNR has approved an extension of the 30 day time limit for submittal of Scott County's recommendation.

This request is for the construction of two new hog confinement buildings on farmland located on 10th Avenue in Section 8 of Cleona Township and requires compliance with the scoring of the Master Matrix.

The Health Department and Planning and Development staff have reviewed the applicant's scoring of this application for compliance with the Master Matrix and CAFO standards. The Health Department has also reviewed the manure management plan. The results of that review are included with Board enclosures along with other materials related to this application.

Staff has not received any written, emailed or telephone comments on this request. The applicants spoke on their own behalf at the recent public hearing.

The IDNR inspector from the Washington, Iowa district office conducted an inspection of the site. Planning and Health Department staff accompanied the DNR inspector on the inspection of the site on August 12th.

Staff has determined that this application meets the scoring requirements of the Master Matrix as submitted and recommends the Iowa DNR approve the permit on that basis. The Board can consider the resolution stating that finding at its regular meeting agenda September 5th.

JT Cleona Pork has also requested that the Board waive the 14-day appeal period prior to issuance of the final construction permit. Under Iowa DNR procedures; following notification of the Board's recommendation, the Iowa DNR conducts its own review and notifies the Board of its "notice of intent" to issue the final permit. The Board then has a 14-day window to appeal that issuance. The Board can waive this 14-day review period to allow the DNR to issue the final permit without a two week delay. Staff would recommend the Board approve a resolution waiving the appeal period per the applicant's request.

Scott County's Review of the Scoring of Master Matrix for JT Cleona Pork LLC, 2019 New Facility

The Master Matrix has 44 possible scoring criteria:

The first 25 are listed under **Proposed Site Characteristics**,

The remaining 19 are listed under **Proposed Site Operation and Manure Management Practices**.

Applicants can choose amongst the various criteria in order to score points. Each criterion has a total point value which is then divided and weighted between any of the three subcategories of Air, Water, and Community.

The County can review each criterion upon which the applicant has scored and concur or not concur that the points are accurately taken. The County only reviews the criteria the applicant has used to score points, other criterion for which points are not taken are not evaluated, even though the application may meet that criterion. The selection of scoring criteria is the applicant's option. Evaluating that scoring is the County's option by adopting the Master Matrix.

Proposed Site Characteristics

Scoring Criteria	Total Score	Air	Water	Community
#2 Additional separation distance, above 2,500 foot minimum, to the closest Public use area (greater than 1,500 feet)	30	12.00	0.00	18.00
#3 Additional separation distance, above 2,500 foot minimum from closest school, church or business (greater than 1,500 feet)	30	12.00	0.00	18.00
#4 Additional separation distance, above 500 foot minimum, to closest water source (751 - 1,000 feet)	5	0.00	5.00	0.00
#6 Additional separation distance, above minimum of 2,500 feet, from confinement to the closest critical public area (500 feet or greater)	10	4.00	0.00	6.00
#7 Proposed confinement structure is at least two times the minimum separation distance from all private and public water wells	30		24.00	6.00
#8 Additional separation distance over the minimum 1,000 feet from drainage well, known sink hole or major water source (greater than 2,500 feet)	50	5.00	25.00	20.00
#9 Distance between proposed confinement structure and the nearest confinement facility that has submitted a manure management plan (3/4 mile or greater)	25	7.50	7.50	10.00
#10 Separation distance from closest high quality waters or protected water area (2x the minimum separation distance of 500 feet)	30	0.00	22.50	7.50

Scoring Criteria	Total Score	Air	Water	Community
#12 Liquid manure storage structures are covered	30	27.00	0.00	3.00
#17 Proposed Manure Storage Structure is Formed	30	0.00	27.00	3.00
#19 Truck Turnaround	20	0.00	0.00	20.00
#20 No history of Administrative Orders in last five years	30	0.00	0.00	30.00
#23 Family Farm Tax Credit	25	0.00	0.00	25.00
#24 Facility Size (1 - 2,000 Animal Unit Capacity)	20	0.00	0.00	20.00
#25 Construction permit application includes livestock feeding and watering systems that significantly reduce manure volume	25	0.00	12.50	12.50

Proposed Site Operation and Manure Management Practices

Scoring Criteria	Total Score	Air	Water	Community
#26 Injection or incorporation of manure on the same date it is land applied	30	12.00	12.00	6.00
#31 Additional separation distance of 200 feet above minimum requirements (0 feet) for land application of manure to closest public use area	5	2.00	0.00	3.00
#32 Additional Separation distance of 200 feet for land application of manure to closest school, church, or business	5	2.00	0.00	3.00
#35 Additional separation distance of 400 feet above minimum requirements for the land application of manure to closest high quality waters or protected water area	10	0.00	7.50	2.50
Total Scoring by JT Allens Grove Pork LLC	440	83.50	143.00	213.50
Total Scoring by Scott County	440	83.50	143.00	213.50
<i>Minimum Score required to Pass Master Matrix</i>	440	53.38	67.75	101.13

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
September 5, 2019
ADOPTING A RECOMMENDATION TO THE IOWA DEPARTMENT OF NATURAL
RESOURCES TO APPROVE THE CONSTRUCTION PERMIT APPLICATION OF JT
CLEONA PORK, LLC. FOR THE CONSTRUCTION OF A NEW CONFINED ANIMAL
FEEDING OPERATION IN SECTION 8 OF CLEONA TOWNSHIP

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1. JT Cleona Pork, LLC. in the SW¹/₄SW¹/₄ of Section 8, T79N, R1E (Cleona Township) has submitted an application to the Iowa Department of Natural Resources (IDNR) for a State construction permit for the construction of a new confined animal feeding operation at 24155 10th Avenue in unincorporated Scott County.
- Section 2. The Scott County Health Department and the Scott County Planning and Development Department have reviewed the State construction permit application and the manure management plan and determined that both appear to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules.
- Section 3. The Scott County Board of Supervisors has determined that there are not any additional objects or locations not included in the application that are within the required separation distances, the soils and hydrology of the site appear to be suitable for the proposed expansion, and the applicant has adequate land for the application of manure originating from this confinement feeding operation available.
- Section 4. The Scott County Board of Supervisors published public notice of the receipt of said application, accepted written and electronic comments on the application and held a public hearing on August 22, 2019 during its regularly scheduled meeting to receive public comments on the application.
- Section 5. The Scott County Board of Supervisors will submit to the Iowa DNR the written reports it received from the Scott County Planning and Development and Health Departments on which its determination is based, and the documentation of publication of the required public notices. The Board will also submit all the written or electronic comments from the general public it received on this application.
- Section 6. The Scott County Board of Supervisors would recommend that the State construction permit application of JT Cleona Pork, LLC. be approved based on its compliance with the requirements of the Master Matrix, Iowa DNR rules and Iowa Code regulations for such applications.
- Section 7. This resolution shall take effect immediately.

PLANNING & DEVELOPMENT

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Davenport, Iowa 52801-1106
Office: (563) 326-8643 Fax: (563) 326-8257
Planning@scottcountyia.com



Timothy Huey
Director

September 6, 2019

Mr. Paul Petitti
IDNR Field Office #3
Gateway North Mall
1900 North Grand Avenue
Spencer, Iowa 51301
Or
Attn: Cindy Garza
Iowa DNR, Field Office #2
2300 15th St SW
Mason City, IA 50401

RE: Scott County Board of Supervisor's recommendation to approve the State Construction Permit Application of JT Cleona Pork LLC in the SW¹/₄ of SW¹/₄ of Section 8, T79N, R1E (Cleona Township) for the construction of a new confined animal feeding operation located at 24155 10th Avenue

Dear Mr. Petitti or Ms. Garza:

Enclosed are the materials submitted by the Scott County Board of Supervisors related to its review and recommendation for approval of the application submitted by JT Cleona Pork LLC. Included is the Resolution, passed by the Scott County Board of Supervisors at their regular meeting held on September 5, 2019, recommending approval of the State construction permit application. This Resolution indicates that the Board concurred with the applicant's scoring of the Master Matrix.

Prior to passing the Resolution the Board held a public hearing on August 22, 2019 to take public comments. The applicant and family members were present and spoke on behalf of the application. Included are copies of the Public Notice and the Notice of Public Hearing as well as proof of publication for each. Also included are staff's reports to the Board.

Scott County received notice of this application from the DNR on August 1, 2019. The Board's Resolution recommending approval passed on September 5, 2019, and is being forwarded along with supporting documents on September 6, 2019. Please feel free to contact me if you require any additional information.

Sincerely,

Timothy Huey
Planning & Development Director

BOARD OF SUPERVISORS
SCOTT COUNTY, IOWA

Date of receipt of notice of issuance of draft permit

Attn: Paul Petitti
Iowa DNR, Field Office #3
1900 N Grand Ave
Gateway North, Suite E17
Spencer, IA 51301

Or

Attn: Cindy Garza
Iowa DNR, Field Office #2
2300 15th St SW
Mason City, IA 50401

RE: JT Cleona Pork 1+ LLC.
24155 10th Avenue
Stockton, Iowa 52769
SW¹/₄ of SW¹/₄ of Section 8, T79N, R1E (Cleona Township)
Facility #

Dear Mr. Petitti or Ms. Garza:

The Scott County Board of Supervisors is in receipt of the draft permit for JT Cleona Pork Site confinement construction permit. The Board understand that it had the right to appeal the issuance of a final construction permit within 14 days after its receipt of the draft permit under Iowa Code Section 459.304 and Iowa Administrative Rule 567-65.10(7).

After consideration of this matter the Board supports allowing construction to begin as soon as possible. In anticipation of the receipt of the draft application from the Iowa DNR, the Board voted unanimously to unconditionally and irrevocably waive its rights to appeal the above referenced construction permit and we would ask the the Iowa DNR issue the final permit to JT Pork Immediately. A copy of the resolution the Board approved on September 5, 2019 is included with this letter of notice.

By waiving its rights to appeal this draft permit, the Board does not in any way waive its rights to appeal any other confinement construction permit that may be issued by the Iowa DNR to livestock producers in Scott County in the future.

Sincerely,

Chairperson, Board of Supervisors

RESOLUTION

Scott County Board of Supervisors

September 5, 2019

APPROVAL OF WAIVER OF SCOTT COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1 The Scott County Board of Supervisors expects to receive notice from the Iowa Department of Natural Resources (DNR) that JT Cleona Pork has been issued a draft permit for the construction of confined animal feeding operation buildings at 24155 10th Avenue in unincorporated Scott County
- Section 2 The Scott County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on September 5, 2019.
- Section 3 The Scott County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.
- Section 4 The Scott County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.
- Section 5 The Scott County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.
- Section 6 This resolution shall take effect upon receipt of notice from the Iowa Department of Natural Resources (DNR) that JT Cleona Pork has been issued a draft permit for the construction of confined animal feeding operation buildings at 24155 10th Avenue in unincorporated Scott County

JT CLEONA PORK 1+, LLC MASTER MATRIX FOR THE CONSTRUCTION OF A NEW CONFINED ANIMAL FEEDING OPERATION

Scott County Board of Supervisors
Committee of the Whole Meeting
September 3, 2019

JT CLEONA PORK 1+ LLC

- **Iowa Department of Natural Resources notified Scott County of receipt of application on August 1st**
- **Scott County statutorily has 30 days to submit recommendation**
- **The applicant (Tom Dittmer) approved a 30 day extension – (60 days total) Deadline October 1st**

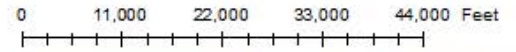
- **Board can act on recommendation on September 5th following a Public Hearing on August 22nd**
 - **Notices of Public Hearing and Receipt of Application published August 7th in the North Scott Press**
-



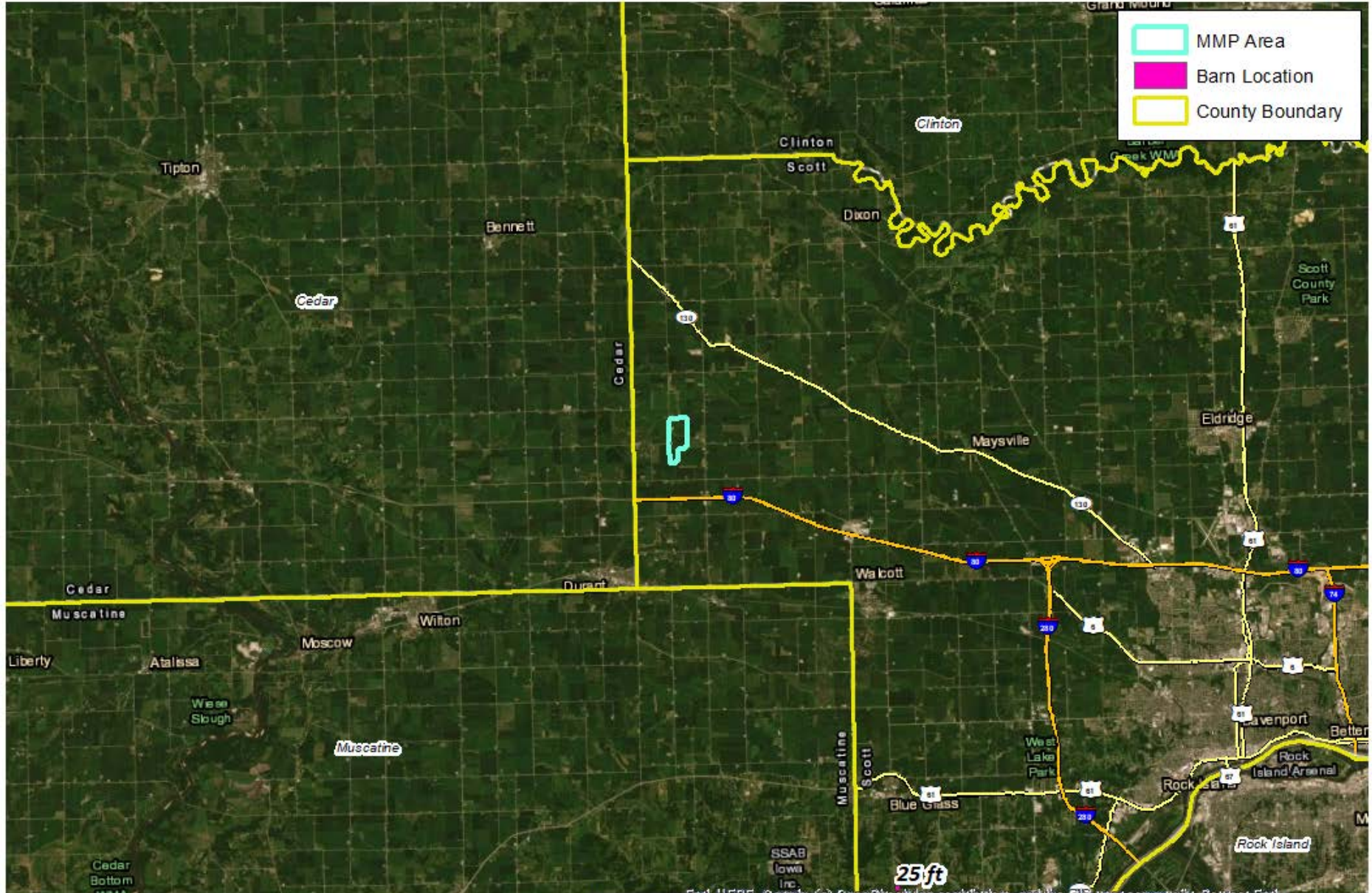
Location - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 18,563 feet



-  MMP Area
-  Barn Location
-  County Boundary



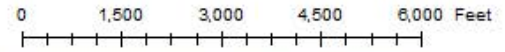
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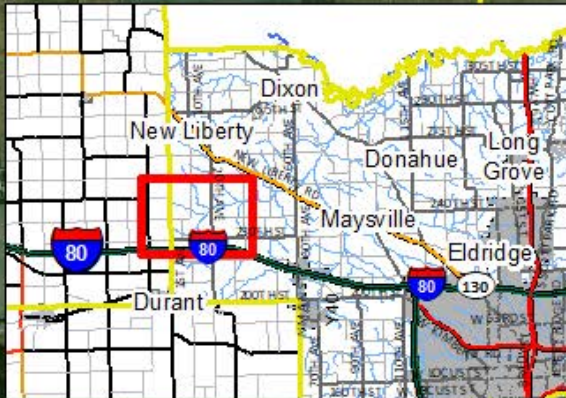
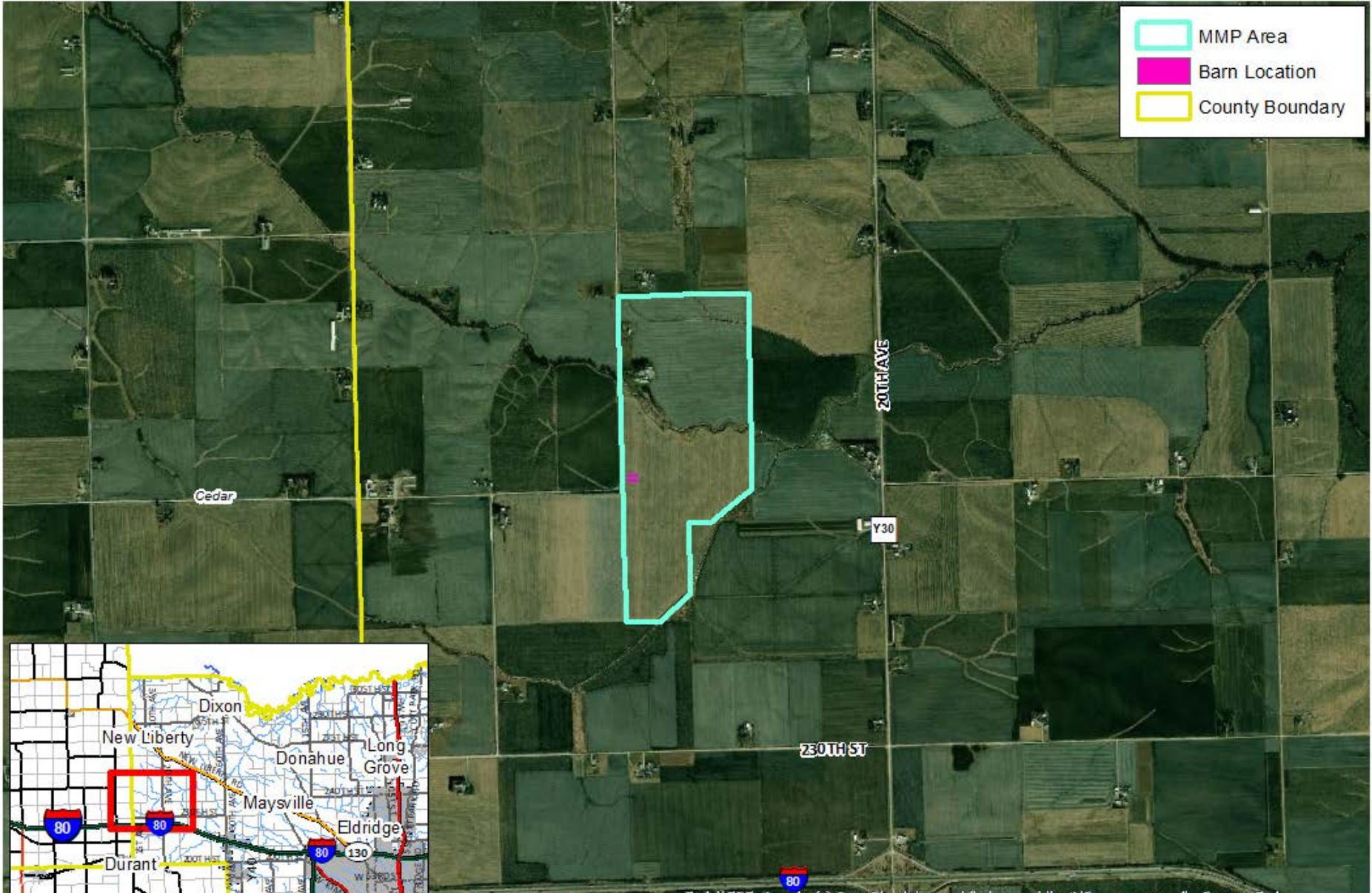
Location - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 2,545 feet



-  MMP Area
-  Barn Location
-  County Boundary



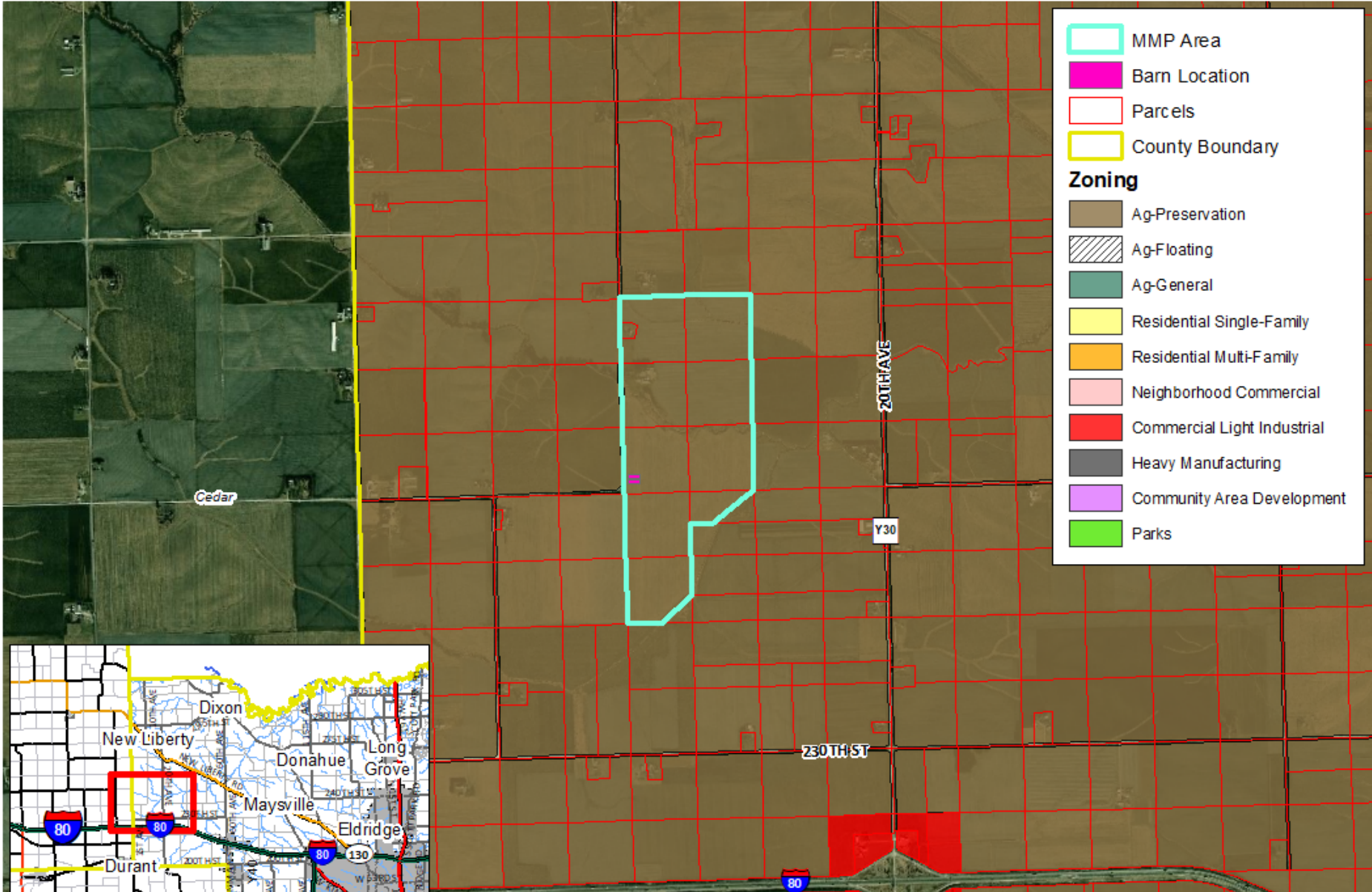
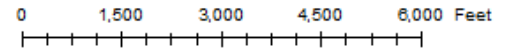
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Zoning - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 2,545 feet



MMP Area

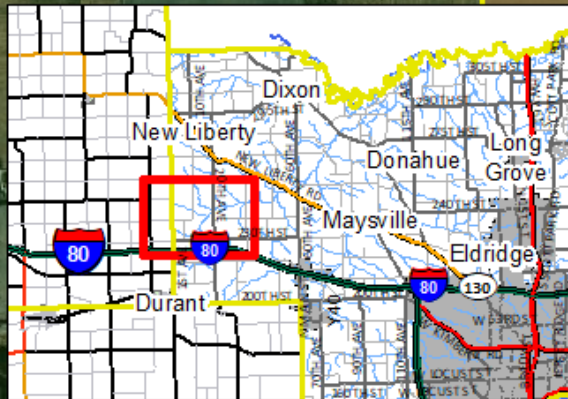
Barn Location

Parcels

County Boundary

Zoning

- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks



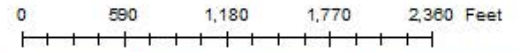
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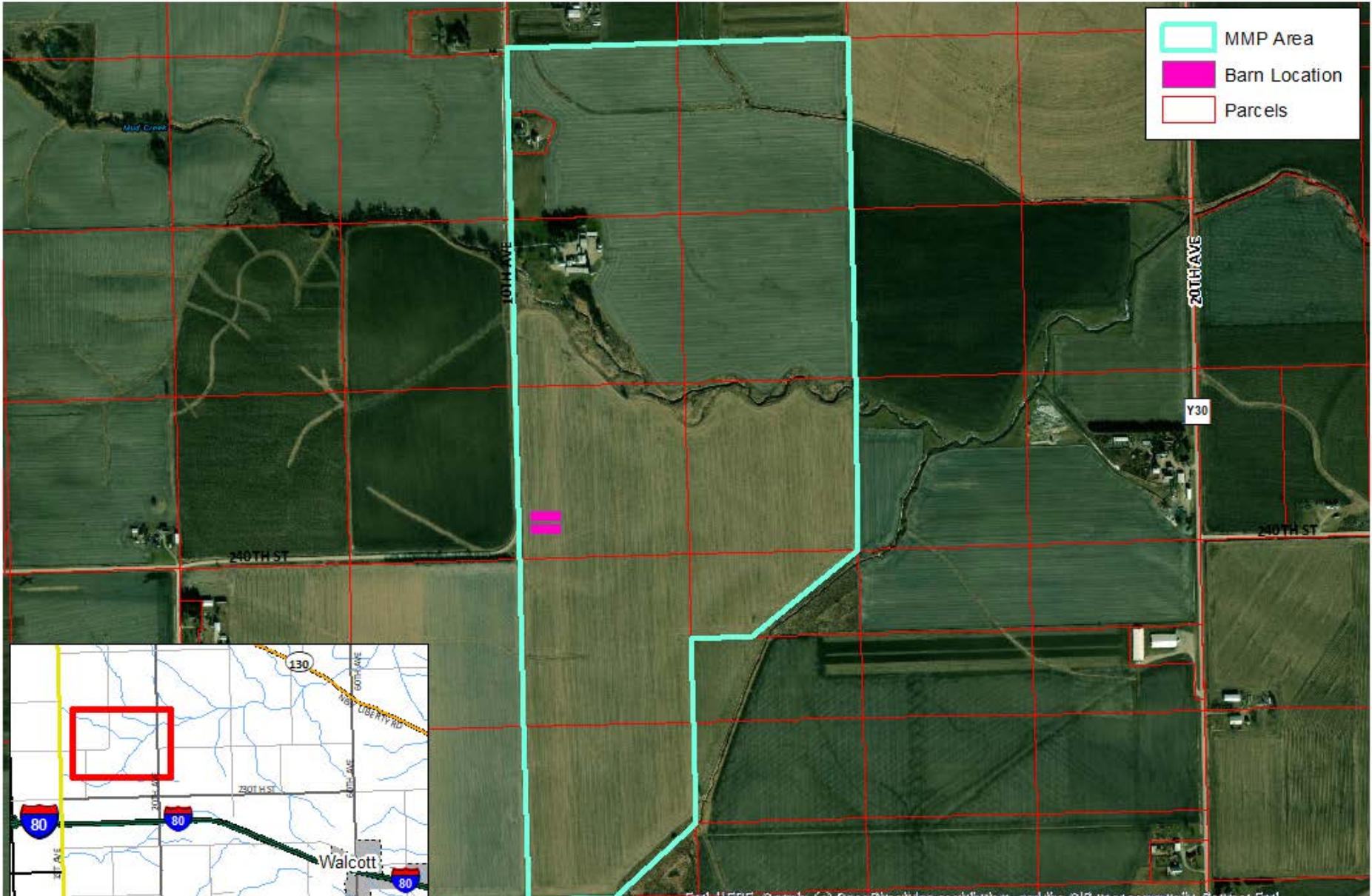
Location - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 973 feet



-  MMP Area
-  Barn Location
-  Parcels



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2 new structures:

- (2) 241'4" x 81'2" wean/finish barns
- Each barn 2,400 head
- 1,920 Animal Unit Capacity (AUC)

THE MASTER MATRIX HAS 44 POSSIBLE SCORING CRITERIA

- **25 “Proposed Site Characteristics”**
 - **JT Cleona Pork 1+ scored on 15**
- **19 “Proposed Site Operations and Manure Management Practices”**
 - **JT Cleona Pork 1+ scored on 5**

SCORING REVIEW

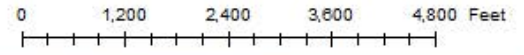
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#2 Additional separation distance above 2,500 feet from confinement structure to the closest public use area (>1,500 feet)	30	12	0	18





Question 2 - Public Use Area - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 1,967 feet

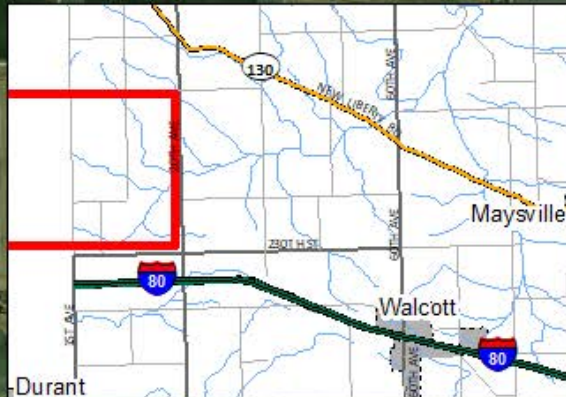


 MMP Area

 Barn Location

Sunbury (Unincorp.)

2.5 Miles



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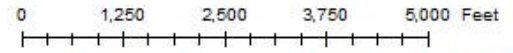
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#3 Additional separation distance above 2,500 feet from confinement structure to closest educational or religious institution, or commercial enterprise (>1,500 feet)	30	12	0	18



Question 3 - Church, School, Business - JT Cleona Pork 1+ LLC

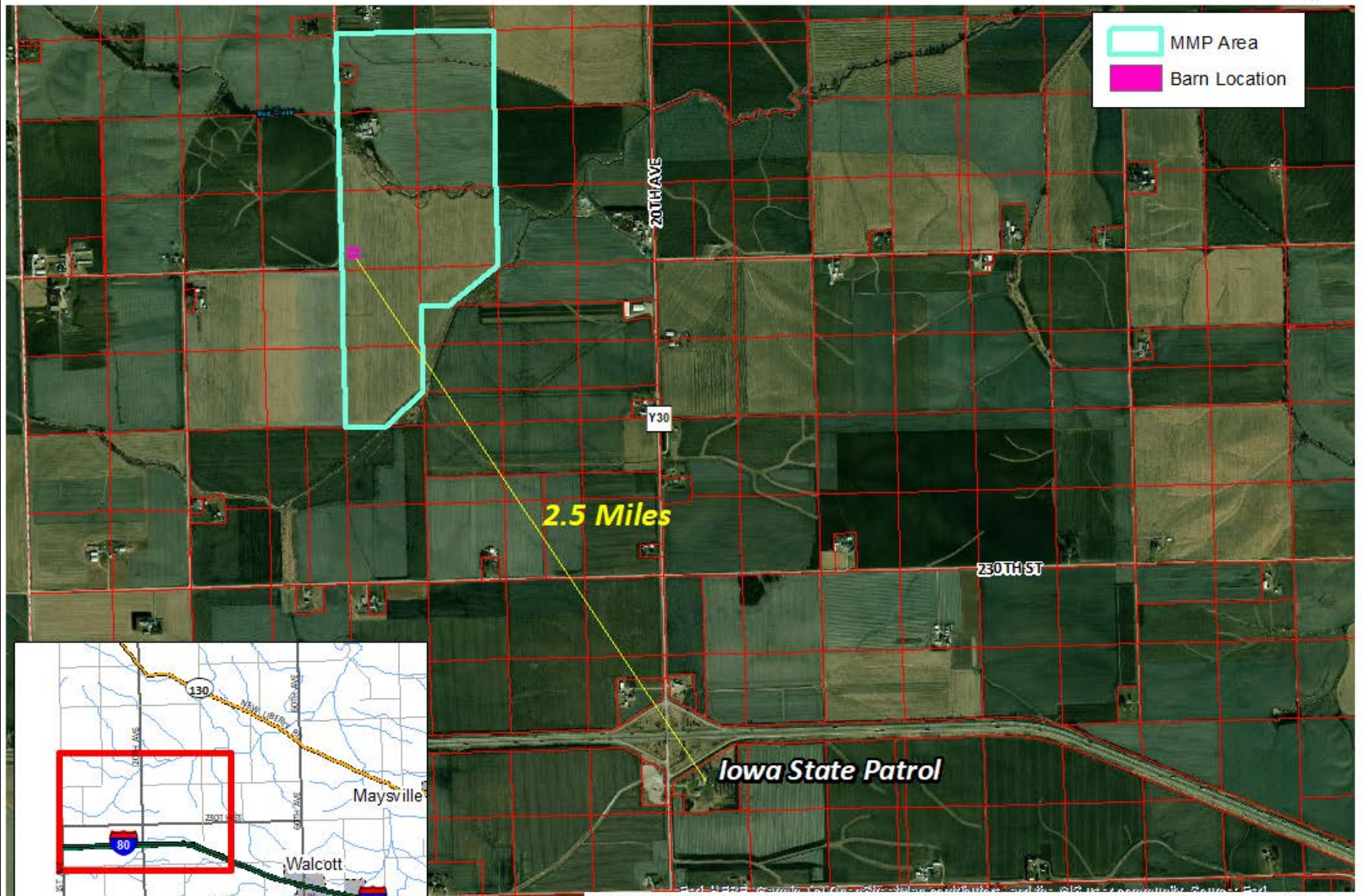
Scott County, Iowa

1 inch = 2,084 feet



 MMP Area

 Barn Location



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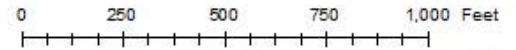
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#4 Additional separation distance above 500 feet from confinement structure to the closest water source (751-1,000 feet)	5	0	5	0




Question 4 - Closest Water Source - JT Cleona Pork 1+ LLC

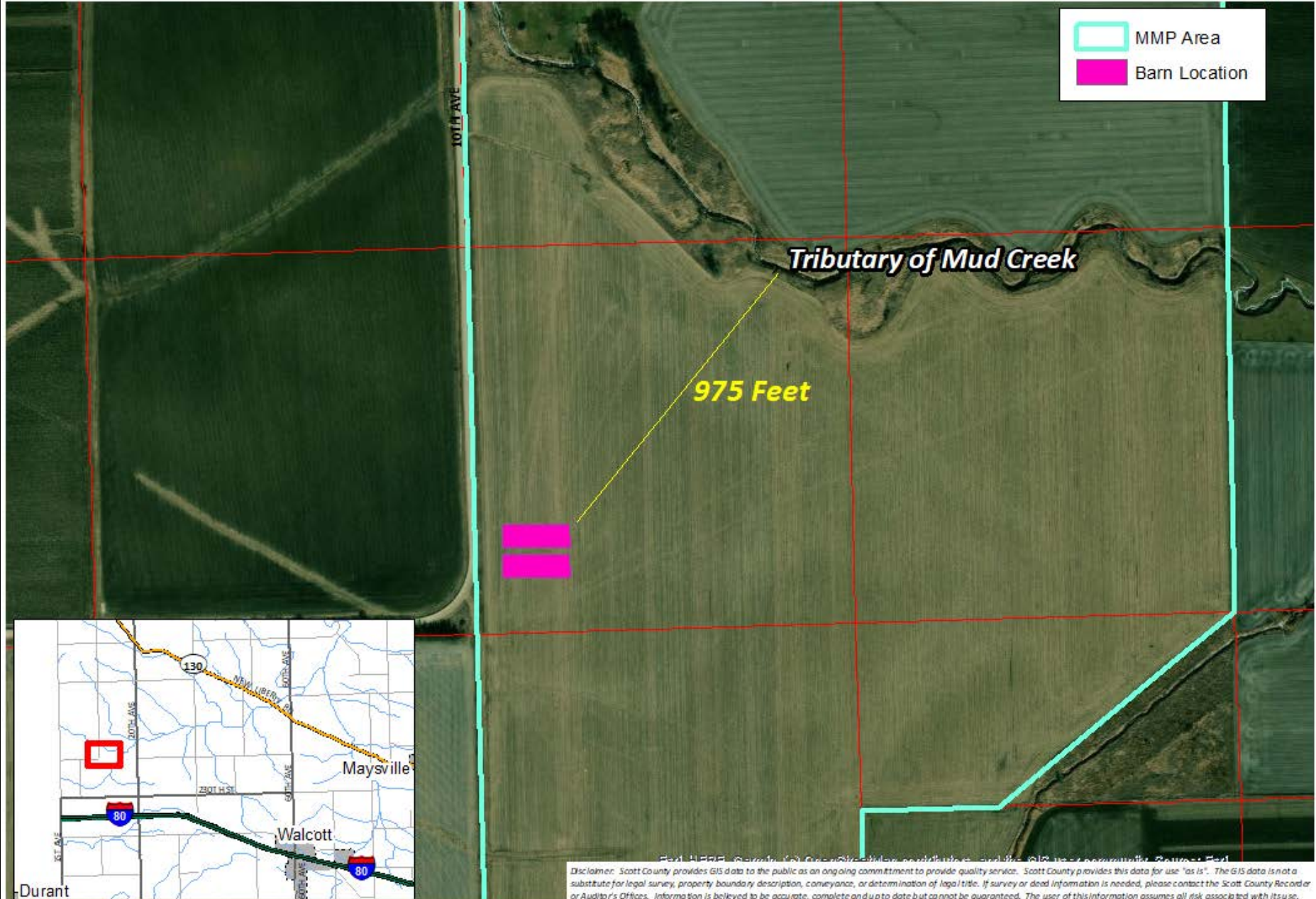
Scott County, Iowa

1 inch = 417 feet



 MMP Area

 Barn Location



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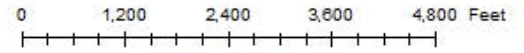
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#6 Additional separation distance above 2,500 feet from confinement structure to closest critical public area (>500 feet)	10	4	0	6



Question 6 - Critical Public Area - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 1,967 feet

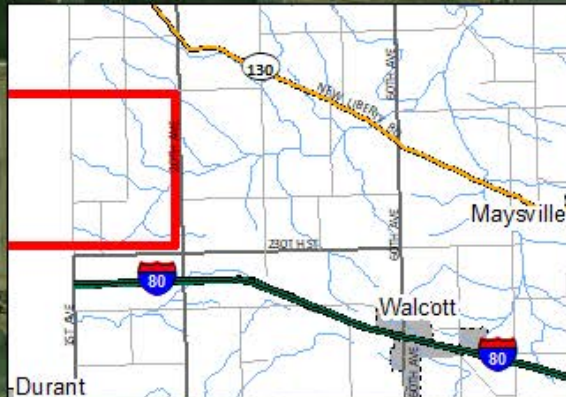


 MMP Area

 Barn Location

Sunbury (Unincorp.)

2.5 Miles



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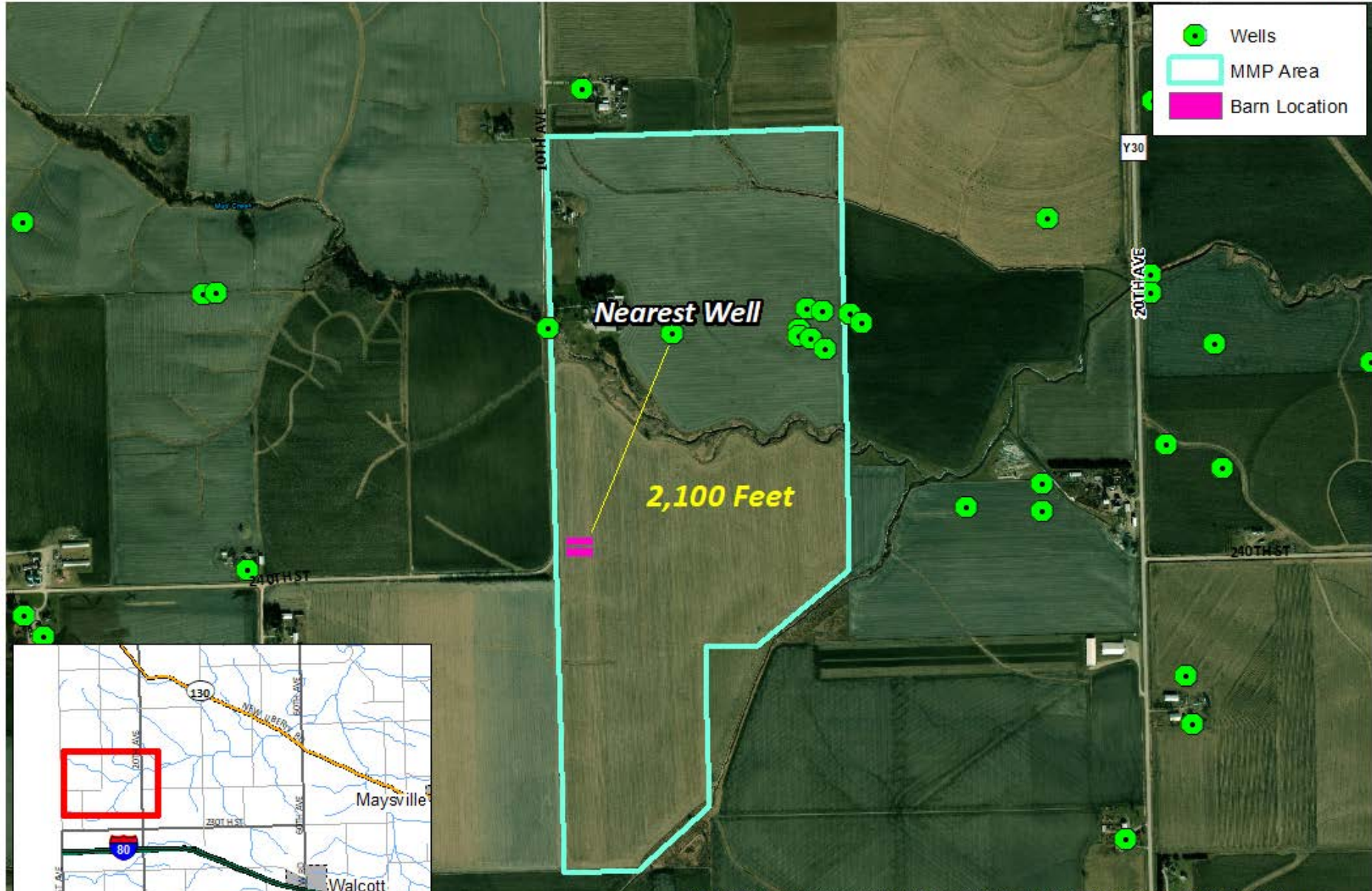
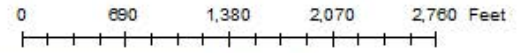
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#7 Proposed confinement structure is a least two times the minimum required separation distance from all private and public water wells (>200 feet)	30	0	24	6
#8 Additional separation distance above 1,000 feet from confinement structure to closest agricultural drainage well, known sinkhole, or major water source (>2,500 feet)	50	5	25	20



Question 7 - Well Separation - JT Cleona Pork 1+ LLC

Scott County, Iowa

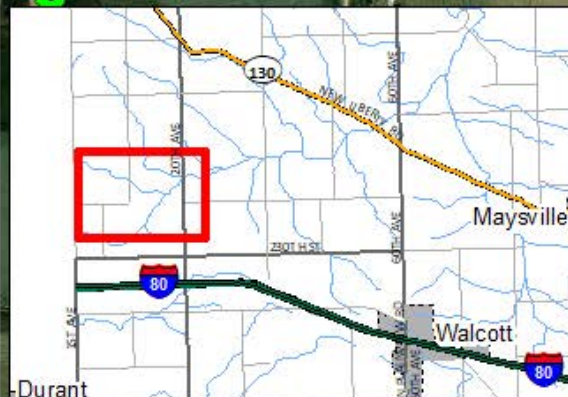
1 inch = 1,129 feet



- Wells
- MMP Area
- Barn Location

Nearest Well

2,100 Feet



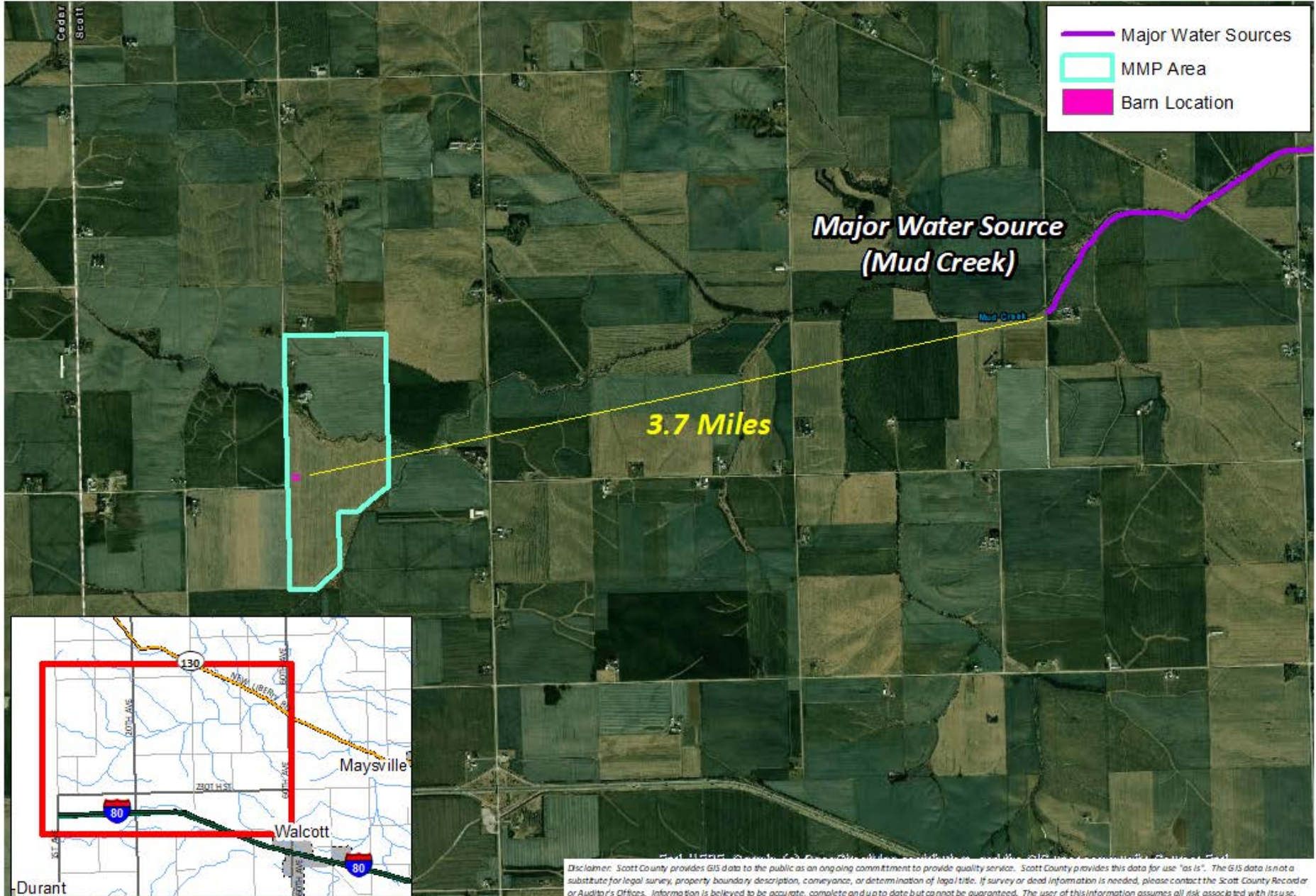
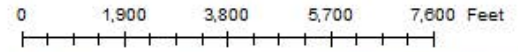
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Question 8 - Major Water Sources - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 inch = 3,127 feet



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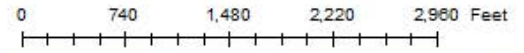
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#9 Distance between the proposed confinement structure and the nearest confinement facility that has submitted department manure management plan (>3,960 feet)	25	7.5	7.5	10
#10 Confinement structure is at least two times the minimum separation distance from closest High Quality (Resource) Waters (>2,000 feet)	30	0	22.5	7.5



Question 9 - Other MMP Site - JT Cleona Pork 1+ LLC

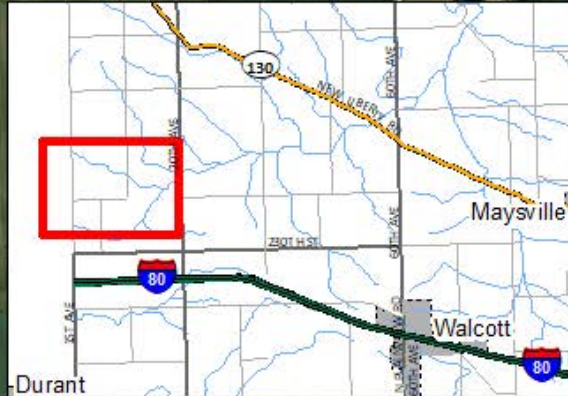
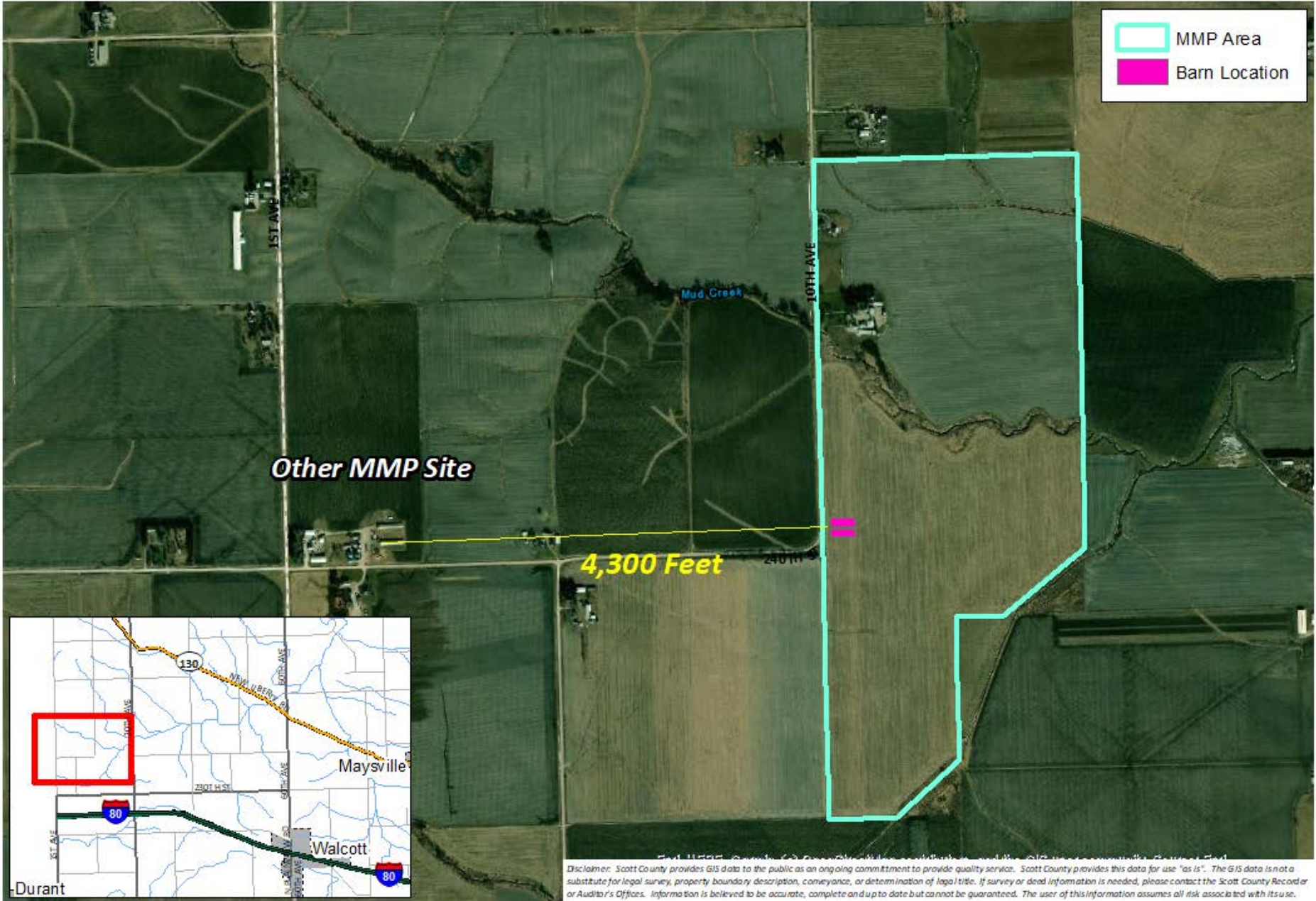
Scott County, Iowa

1 inch = 1,206 feet



 MMP Area

 Barn Location



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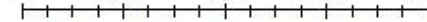


Question 10 - High Quality/Protected Waters - JT Cleona Pork 1+ LLC

1 inch = 7,670 feet

Scott County, Iowa

0 4,600 9,200 13,800 18,400 Feet



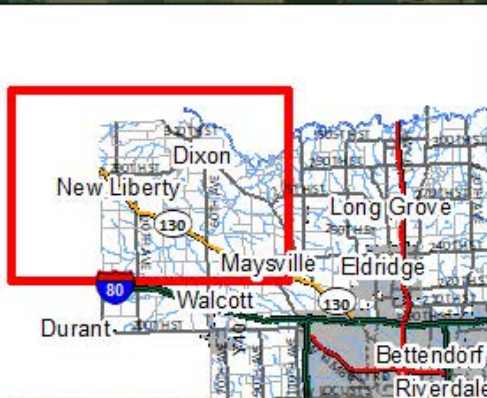
 MMP Area

 Barn Location

High Quality/Protected Waters (Wapsipinicon River)

8 Miles

130



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Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#12 Liquid manure storage structure is covered	30	27	0	3
#17 Proposed manure storage structure is formed	30	0	27	3
#19 Proposed confinement site has a suitable truck turnaround area so that semitrailers do not have to back into the facility from the road	20	0	0	20
#20 No history of environmental and worker protection violations in the last five years	30	0	0	30

Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#23 Construction permit applicant can lawfully claim a Family Farm Tax Credit for agricultural land where the proposed operation is to be located	25	0	0	25
#24 Facility size (1,000-2,000 Animal Unit Capacity)	20	0	0	20

Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#25 Application includes livestock feeding and watering systems that significantly reduce manure volume	25	0	12.5	12.5
#26 Liquid or dry manure – Injection or incorporation of manure on the same date it is land-applied	30	12	12	6

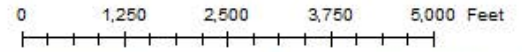
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#31 Additional separation distance above 0 feet for land application of manure to closest public use area	5	2	0	3



Question 31 - Manure App from Public Use Area - JT Cleona Pork 1+ LLC

Scott County, Iowa

1 Inch = 2,056 feet

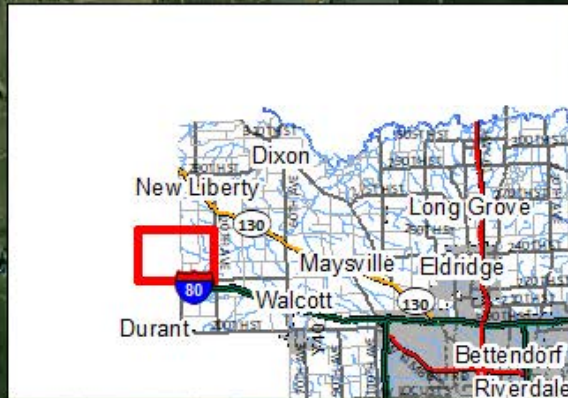


MMP Area

Barn Location

Sunbury (Unincorp.)

2.5 Miles



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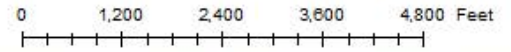
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#32 Additional separation distance above 0 feet for the land application of manure to the closest educational or religious institution or commercial enterprise (>200 feet)	5	2	0	3



Question 32 - Manure App from Business - JT Cleona Pork 1+ LLC

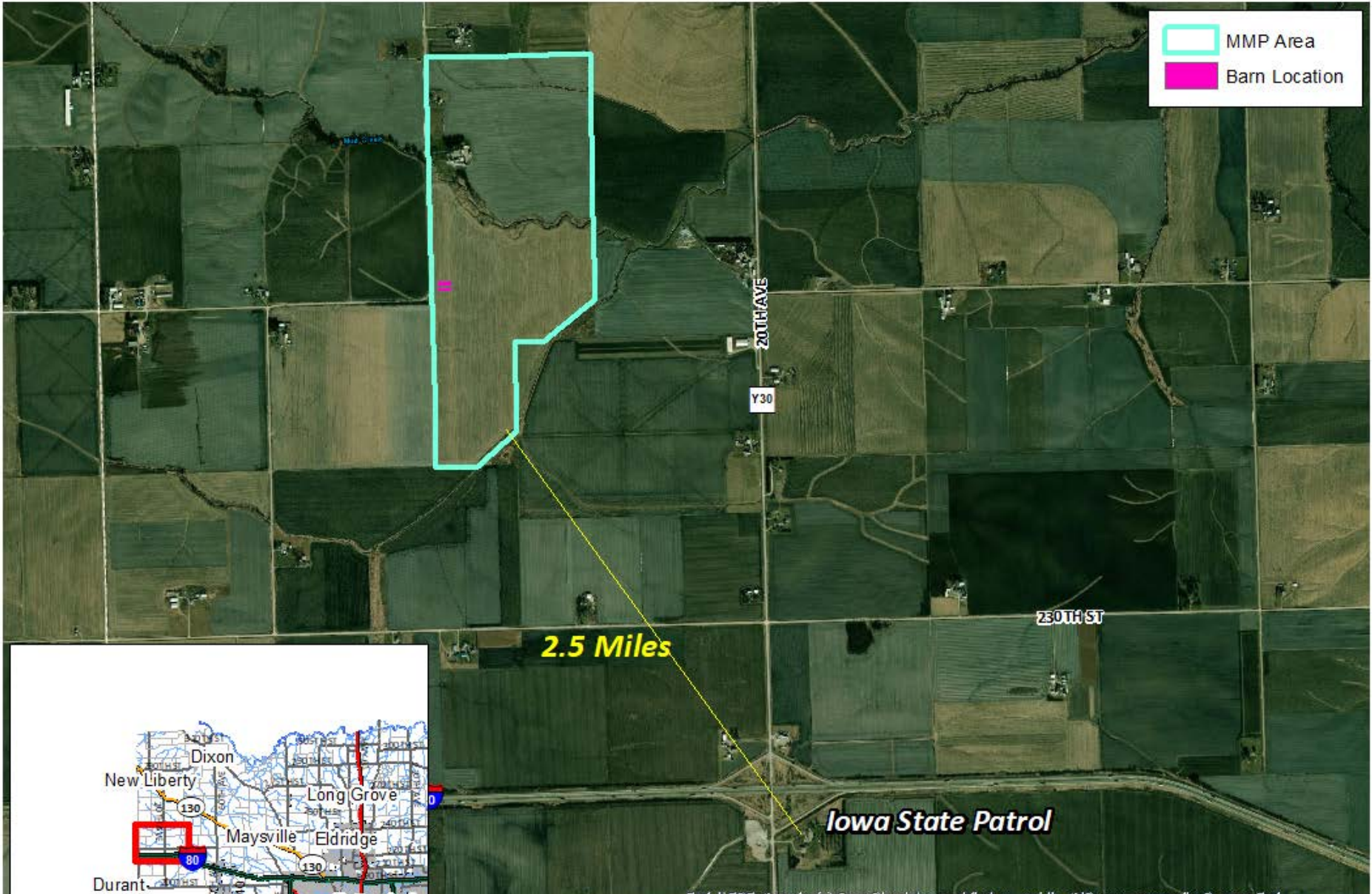
Scott County, Iowa

1 inch = 2,023 feet



MMP Area

Barn Location



Iowa State Patrol

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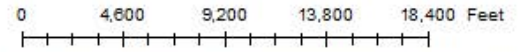
Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
#35 Additional separation distance for the land application of manure to the closest High Quality (Resource) Waters or Protected Water Area (>400 feet)	10	0	7.5	2.5



Question 35 - Manure App from HQ Waters of PWA -

JT Cleona Pork 1+ LLC Scott County, Iowa

1 inch = 7,670 feet



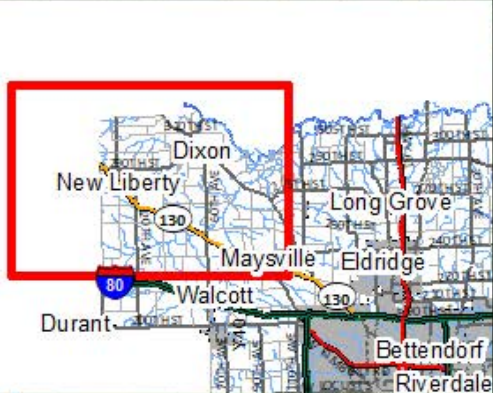
 MMP Area

 Barn Location

High Quality/Protected Waters (Wapsipinicon River)

8 Miles

130



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Scoring Criteria	Total Score	AIR	WATER	COMMUNITY
Total Score Possible	880	213.5	271	404.5
Total Score Required to Pass	440	53.38	67.75	101.13
JT Cleona Pork 1+ Total Score	440	83.5	143	213.5