

PLANNING & DEVELOPMENT

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



Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: March 10, 2020

Re: Board recommendation on the Construction Permit Application of Terry and Zach Ralfs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T79N, R2E (Hickory Grove Township) for the expansion of an existing confined animal feeding operation. The address of the subject property is 23300 Maysville Road.

On February 14th the above referenced application was submitted to the Iowa DNR. Scott County has 30 days from that date to submit comments and a recommendation on that application. Notice of the receipt of this application has been published as required by the State regulations. A public hearing was also held at the Board meeting on March 5th to take comments from the public. Staff has notified the applicant that they will have to email the DNR to request an extension to the County's 30 day deadline. The applicant has submitted that extension request.

The Board had a number of questions regarding this expansion following the comments presented at the public hearing. One question was if this expansion was approved would any additional expansions be permitted at this location? Cindy Garza, Iowa DNR Environmental Engineer stated: "They could expand to the south and meet the 1875 feet of separation. At that point, it might be over 1667 animal units (currently it's at 1454 animal units) and would need a permit that met the Master Matrix." There are different separation distances enforced depending on whether a CAFO is a new operation at a new location, an expansion of CAFO constructed before January 1, 1999, or one built after January 1, 1999 but before March 1, 2003 or built after March 1, 2003. The separation distances are also based on the size of the expansion and the type of storage structure for the manure produced by the CAFO.

Another question the Board had was if the Board recommended denial would the DNR still approve the permit if the DNR determined it met State requirements. Ms Garza stated: "If this site meets the minimum separation distance, then by law, they will be issued a permit." Finally the Board asked if this application does not have to meet the Master Matrix why does the Board have to review it and pass a resolution with its recommendation? Ms Garza's reply was: "This site is not in the matrix program due to its age and the number of animals. The county is only required to publish a public notice and give a recommendation and collect any public comments."

As stated prior to the public hearing this request is for the expansion of an existing hog confinement operation in Hickory Grove Township but even with the expansion does not meet the threshold that requires compliance with the standards of the Master Matrix. The original confinement building at this site was constructed in 2001 and an expansion for a second building was completed in 2016. The separation distances for an expansion of the size proposed require that any residence,

business, church or school be no closer than 1,000 feet to the proposed site in an unincorporated area and more than 1,250 from any of those in an incorporated town. This application meets that requirement; there are no residences within 1,250 feet of the site. There are no businesses, or schools within that distance either. The city limits of Maysville are just over 1,500 feet from this site.

The site meets the distance requirements for water sources and designated wetlands. The CAFO site is located greater than one mile from any drainage well, over 1,000 feet from surface water and greater than one mile from any major water source. It is also over 2,500 from any designated wetland and 6,500 feet from a public use area.

The building is also required to be setback a minimum of 100 feet from the County road right of way and the site plan shows the proposed building setback 400 feet from the County road right of way.

Staff did receive two emails regarding this request that have been forwarded to the Board. Staff will include these emails and a summary of the verbal comments received at the public hearing with the Board's recommendation to the IDNR.

Staff accompanied the IDNR inspector from the Washington, Iowa district office on February 26. The Iowa DNR inspector determined that the location of the proposed expansion met all the required separation distances. Staff would recommend approval of a resolution stating the Board's determination that this application meets the State's requirements for issuance of the State permit..

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

March 19, 2020

ADOPTING A RECOMMENDATION TO THE IOWA DEPARTMENT OF NATURAL RESOURCES ON THE CONSTRUCTION PERMIT APPLICATION OF TERRY & ZACH RALFS FOR THE EXPANSION OF AN EXISTING CONFINED ANIMAL FEEDING OPERATION IN SECTION 15 OF HICKORY GROVE TOWNSHIP

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

- Section 1. Terry and Zach Ralfs, dba Ralfs Finishers, in part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T79N, R2E (Hickory Grove Township) have submitted an application to the Iowa Department of Natural Resources (DNR) for a construction permit for the expansion of an existing confined animal feeding operation at 23300 Maysville Road in unincorporated Scott County
- Section 2. The Scott County Health Department and the Scott County Planning and Development Department have reviewed the construction permit application and the manure management plan and determined that both appear to be in compliance with the requirements of 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, the applicant has adequate land for the application of manure originating from this confinement feeding operation available and there no apparent drain tiles in the area of the proposed expansion.
- 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 March 5, 2020 during its regularly scheduled meeting to receive public comments on 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, in addition to the written public comments and a summary of the comments made at the public hearing it received on this application and the documentation of publication of the required public notices.
- Section 6. The Scott County Board of Supervisors would recommend that the construction permit application of Terry and Zach Ralfs be approved based on its compliance with the Iowa DNR rules and Iowa Code regulations for such applications.
- Section 7. This resolution shall take effect immediately.