

VARIANCE REQUEST

Iowa Department of Natural Resources

1. Date : 5/30/97 13. Decision: *Approved*
2. Review Engineer : *Fred Evans* Date: *6/10/97*
3. Date Received : *3/31/97*
4. Facility Name : *Thunder Ridge Estates* 14. Appeal:
5. County Number : *31* Date:
6. Program Area : *CP*
7. Facility Type : *C05*
8. Subject Area : *308*
9. Rule Reference : *64.2(9) for variance & 64.2(3)a for separation*
10. Design Std. Ref. : *14.2, 3*
11. Consulting Engr. : *FOX Engineering*
12. Variance Rule : *64.2(9)c*

15. Description of Variance Request

A project has been submitted for a new housing development to be located northeast of Peosta in Dubuque County. Since sanitary sewers are not available, the designing engineer is proposing an SBR facility for treatment of the wastewater from the development. In view of the hilly terrain in the area it has been difficult to locate a WWTF site. The site selected as the most suitable for access and construction of the treatment facility is located approximately 600 feet from an existing occupied mobile home. Inasmuch as the separation distance is less than the minimum 1000 feet required by our rules and the owners of the mobile home will not sign a written agreement, the housing developer is requesting a variance from our site separation distance requirements.

16. Consulting Engineer's Justification

A site separation variance is requested for the following reasons:

1. This is currently a rural area with raising of livestock and other farm animals. The location of a wastewater treatment facility would not reduce the property values or detract from the area.
2. The proposed treatment site is surrounded by developed trees which will screen the site from the mobile home site.

6. Consulting Engineer's Justification (cont.)

3. The treatment facility will be contained within buildings, and the facilities will not be visible from the mobile home property. The buildings will also minimize any noise or odors that may be present in the facilities.
4. The proposed site is across the stream valley from the mobile home site and will not be directly accessible from that location. The land between the two sites is a floodplain and is not developable for future expansion.
5. The Owner of the development has made a reasonable attempt to obtain a waiver of site distance from the mobile home owner, but has not been successful.

(Continued on attached sheet)

7. Department's Justification

It is recommended that a variance be granted based upon the engineer's justification and following additional reasons:

- 1. In view of the separation distance provided and the type of WWTF proposed the potential for any possible odors or other nuisance conditions occurring should be minimal.*
- 2. The letter from the administrator of the Dubuque County Department of Health indicates that the county may be taking action to remove the mobile home from the present location in the flood plain.*

8. Precedents Used *Site separation variances previously approved for the Cities of Albia, Bronson, Chillicothe, Eddyville, Fort Dodge, Ogden, Ossian, Washington, West Chester and Lake Mills. Variances also approved for the Meadow Lawn Nursing Center, Northridge Mall, Riverview Estates, Troy Mills S.D., Beachland Inn MHP, and Westend Apartments*

9. Staff Reviewer : *Fred Evans*

Date:

10. Supervisor : *[Signature]*

Date: *6/5/97*

11. Authorized by : *[Signature]*

Date: *6/10/97*

16. Consulting Engineer's Justification (Continued)

6. Any other available plant site would require a wastewater pumping station to deliver the flow to the plant. This would result in additional unnecessary costs and would reduce the reliability of the operation, especially during power outages. Other sites would also be adjacent to any new home construction in the proposed development.
7. The existing mobile home site is in a floodplain and is not a suitable residential location according to the Dubuque County Health Department. (See enclosed letter)
8. The Dubuque County Planning and Zoning Department and Health Department have approved the proposed wastewater treatment plant site in the proposed location.

596-490

March 27, 1997



Mr. Wayne Farrand
IDNR - Water Quality Bureau
Wallace State Office Building
900 E. Grand Avenue
Des Moines, Iowa 50319

Re: Thunder Ridge Estates Subdivision
Wastewater Treatment Facility Siting
FOX PN 2436-96A.400

Dear Wayne:

We are enclosing a revised Schedule F Application Form and several documents regarding the location of the new wastewater treatment facility for the above referenced project. The original application for siting and Site Survey was approved by your department on December 10, 1996. However, the original proposed site which was over 1000 feet from any inhabitable structure was not suitable for construction of the proposed wastewater treatment facility. The original site has a very steep slope that makes it impractical for building sites as well as for access to the treatment plant. Therefore, this revised application is submitted for your approval.

The proposed site on the attached documents is on a relatively level site that is accessible by extending an existing roadway to the property. However, this site is 600 feet from an existing mobile home northeast of the property. Since this structure is within the 1000 foot separation boundary, the owner has attempted to obtain a Waiver of Separation Distance from this individual. Please refer to the enclosed documents for legal description and discussion of the contacts made with the owners of the property. The owners of the mobile home have not agreed to sign the waiver, and we are requesting that the IDNR grant a variance on the site separation for this property.

A site separation variance is requested for the following reasons:

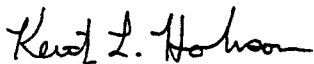
1. This is currently a rural area with raising of livestock and other farm animals. The location of a wastewater treatment facility would not reduce the property values or detract from the area.
2. The proposed treatment site is surrounded by developed trees which will screen the site from the mobile home site.
3. The treatment facility will be contained within buildings, and the facilities will not be visible from the mobile home property. The buildings will also minimize any noise or odors that may be present in the facilities.

Mr. Wayne Farrand
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March 27, 1997

4. The proposed site is across the stream valley from the mobile home site and will not be directly accessible from that location. The land between the two sites is a floodplain and is not developable for future expansion.
5. The Owner of the development has made a reasonable attempt to obtain a waiver of site distance from the mobile home owner, but has not been successful.
6. Any other available plant site would require a wastewater pumping station to deliver the flow to the plant. This would result in additional unnecessary costs and would reduce the reliability of the operation, especially during power outages. Other sites would also be adjacent to any new home construction in the proposed development.
7. The existing mobile home site is in a floodplain and is not a suitable residential location according to the Dubuque County Health Department. (See enclosed letter)
8. The Dubuque County Planning and Zoning Department and Health Department have approved the proposed wastewater treatment plant site in the proposed location.

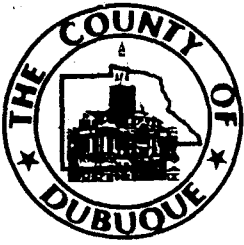
If you need additional information or would like someone to review the site with your field office, please contact us and we can arrange for a meeting. We appreciate your prompt response to this request as the sanitary sewer design is dependent on the location of the plant, and it is scheduled for construction as soon as plans are approved. Thank you for your assistance in this manner.

Sincerely,
FOX ENGINEERING ASSOCIATES, INC.


Keith L. Hobson, P.E.
Project Manager

Enclosures

cc: Royal Oaks Development
Buesing & Associates



DUBUQUE COUNTY
DEPARTMENT OF HEALTH

R.R. #2, 13063 Seippel Rd., Dubuque, IA 52001

Phone: (319) 557-7396

PAUL A. BUSS
ADMINISTRATOR

March 21, 1997

Fox Engineering
Attn: Jim Meredith
1531 Airport Road
Ames, IA 50010

Re: Siting Sewage Treatment Facility for Thunder Ridge Estate Development - Peosta

Dear Mr. Meredith:

I have been asked to address what appears to be a single objection to locating a sewage treatment facility less than 1,000 feet from a residential structure. The affected property supports a trailer or shack which by local standards actually should not be there. This site is within a flood plain with very serious limitations. There are also other zoning violations which render the site unacceptable for other than seasonal or recreational use. The site for the treatment facility would be upstream approximately 600+ feet away, and substantially above the lowland site.

Dubuque County will be pursuing necessary action regarding what we believe to be an unlawful residential use of this lowland property.

I trust this information will be helpful as final assessment is made of the application.

Sincerely,

Paul A. Buss, Jr., Ph.D.
Administrator

Enclosure

cc: Buesing & Associates
1212 Locust Street
Dubuque, IA 52001

Royal Oaks Development, Inc.
P. O. Box 50
Peosta, IA 52068

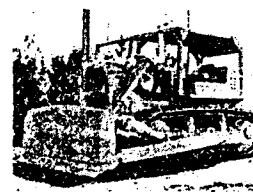
ckg



JUSTIN CONNOLLY - Owner

Phone: 556-3539

R.R. 1 - Peosta, Iowa



Buesing & Associates Inc.

Consulting Engineers

1212 Locust St.
Dubuque, IA 52001
(319) 556-4389

March 20, 1997

Mr. Jim Merideth, P.E.
Fox Engineering Associates, Inc.
1531 Airport Road
Ames, IA 50010-8229

Re: Wastewater Treatment Facility for Thunder Ridge Estates
Peosta, IA

Dear Jim:

Enclosed is a copy of the Preliminary Plat for Thunder Ridge Estates. The plat shows the proposed location of the Wastewater Treatment Facility which you are designing for A.J. Spiegel. As shown on this plat there would be only one inhabitable structure within the 1000 feet separation distance required by the Iowa Administrative Code 567-64.2(3)(a). The said structure is a mobile home having an address of 16490 Chesterman Road, Peosta, IA 52068. The owners of the property legally described as Lot 2 of 1 of 2 of the SE 1/4 of Section 2, T88N, R1E of the 5th PM in Dubuque County, Iowa are Jim and Jana Lammer. The mobile home sits on that Lot. The mobile home is about 600 feet to the northeast of the proposed site for the treatment facility.

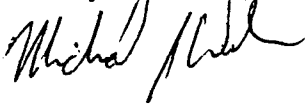
We have been in contact with Jim and Jana Lammer to discuss the proposed wastewater treatment facility and asked them to grant Thunder Ridge Estates a waiver from the separation distance. I met with Jim on March 7th, 1997 at his mobile home. I provided him a copy of the preliminary plat, the agreement concerning waiver of separation distances, and the portion of the Iowa code defining the separation distance. We walked the site and I showed him the location of the proposed treatment facility. Jim then wanted to meet with A.J. Spiegel.

A.J. informed me March 18 that the Lammer's were not agreeable to the separation distance. A.J. wants us to proceed and ask for a waiver from the IDNR.

Enclosed also is a letter from Paul Buss Dubuque Co. Health & Zoning Administrator indicating an opinion regarding the mobile home.

Should you have any questions, please feel free to call our office.

Respectfully submitted,



Mike Weber
Buesing & Associates, Inc.

Encl. as noted

AGREEMENT CONCERNING WAIVER OF SEPARATION DISTANCES

I hereby agree that I am familiar with the proposed wastewater treatment plant project to be constructed by Royal Oaks Development Inc. for the Thunder Ridge Estates development. I understand that the separation requirement from the treatment units of the wastewater treatment plant to an inhabitable structure is 1,000 feet, (Iowa Administrative Code §567-64.2(3)(a)). I further understand that the distance from the proposed treatment units to the inhabitable structure on the property described below is less than 1,000 feet.

I hereby agree to waive the separation distance requirement as it relates to the inhabitable structure on the property described below:

LOT 2 OF 1 OF 2 OF THE SOUTHEAST QUARTER
OF SECTION 2, TOWNSHIP 88 NORTH - RANGE 1 EAST
OF THE 5th PRINCIPAL MERIDIAN
IN DUBUQUE COUNTY, IOWA

COPY

SIGNED: _____

James P. Lammer

DATE: _____

SIGNED: _____

Jana J. Lammer

DATE: _____

State of Iowa)
County of Dubuque) ss:

On this day of _____, A.D. 1997, before me _____, A Notary Public in and for the State of Iowa, personally appeared James P. Lammer to me personally known, who, being duly sworn did say that said James P. Lammer acknowledged the execution of said instrument to be their voluntary act and deed voluntarily executed.

Witness my hand and Notarial Seal on the date above written
Notary Public in and for the State of Iowa

State of Iowa)
County of Dubuque) ss:

On this day of _____, A.D. 1997, before me _____, A Notary Public in and for the State of Iowa, personally appeared Jana J. Lammer to me personally known, who, being duly sworn did say that said Jana J. Lammer acknowledged the execution of said instrument to be their voluntary act and deed voluntarily executed.

Witness my hand and Notarial Seal on the date above written
Notary Public in and for the State of Iowa

IOWA DEPARTMENT OF NATURAL RESOURCES**ENVIRONMENTAL PROTECTION DIVISION**

Field Office 1

817 West Fayette, Manchester, Iowa 52057

Phone: (319) 927-2640

FAX: (319) 927-2075

REPORT OF INVESTIGATION**INVESTIGATION DATE** 4-21-97**CURRENT:** 4-21-97**LAST:** 11-21-96

TO: Dick Sandal
DNR Wastewater Section
Des Moines, Iowa

SUBJECT: Thunder Ridge Subdivision, Peosta, Iowa
Site Survey for a Wastewater Treatment Facility (relocation of the proposed site)

PERSONS CONTACTED: Keith Hobson, P.E., Fox Engineering, Ames, Iowa - via phone
Mike Weber, Buesing & Associates, Inc., Dubuque, Iowa

AUTHENTICATION

INSPECTOR:  4-25-97
Ron Stellick, Environmental Specialist

File Name: thundr3/r/b

OBSERVATIONS/RECOMMENDATIONS:

I met with Mike Weber, Buesing & Associates, on April 21, 1997, and observed the relocated proposed site for a SBR treatment facility for Thunder Ridge Subdivision. There is a mobile home owned by James and Jana Lammer located approximately 600 ft. northeast of the proposed site. The proposed site is at an elevation approximately 30 ft. higher than the mobile home. There is a strip of timber 80 to 100 ft. wide between the proposed site and the mobile home. The mobile home was not visible from the proposed site. The site is across the stream valley from the mobile home. The land between the two sites is a floodplain.

The owners of the mobile home have not agreed to sign a waiver. The proposed site does not meet the required 1,000 ft. separation distance from a inhabitable residence as stated in IAC 567-64.2(3)a.



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IOWA DEPARTMENT OF NATURAL RESOURCES
WASTEWATER PERMITS SECTION
CONSTRUCTION PERMIT APPLICATION

596-490

SCHEDULE F, Treatment Project Site Selection

DATE PREPARED 16-96	PROJECT IDENTITY Thunder Ridge Subdivision Peosta, IA	DNR USE PROJECT NO.
DATE REVISED 3-27-97		PERMIT NO.

- Project Location: County Dubuque Section 2 Township 88 N Range 1 E
Is this a new site? New Existing site? _____ or Expansion of existing site? _____
- Provide the following as attachments (minimum of three each needed):
(a) General Plat Layout of area within a five mile radius of the project, noting all important features. (U.S.G.S. map may be used.)
(b) Site Layout of area within a 1,500 foot radius of the project.
- Does the project lie in a floodplain? Yes ☐ No ☒
Elevation of 100 year flood (MSL) _____ Elevation of 25 year flood (MSL) _____
Will the treatment works structures, including the electrical and mechanical equipment, be protected from physical damage by the 100 year flood? Yes ☒ No ☐
Will the plant remain operational during the 25-year flood? Yes ☒ No ☐
Method of flood protection Constructed well above and removed from any flood plain
- Minimum distance to high water table Unknown
- Describe geology of area Moderate to steep hills with shallow limestone bedrock.

Describe soil conditions Site located in Fayette-Norness area of steep, well drained silty soils over shallow limestone residuum
- State the minimum distances and direction to:
(a) Municipal wells >1 mile
(b) Private wells >600'
(c) Residences or Businesses >600'
(d) Recreation areas Golf Course 2000'
(e) Other _____
- Direction of the prevailing winds Winter NW Summer SW
- Sulfate content of the raw water supply source Unknown mg/l. Identify source Not yet determined
- Is this area available for expansion? Yes ☒ No ☐ If yes, how much? Unknown
Location of area Adjacent to Proposed Site Identify owner of property Applicant
- Will site be accessible via an all weather access road? Yes ☒ No ☐
Type Gravel road
- Source of STP water supply:
Maintenance/Cleanup Unknown Potable? Yes ☐ No ☐
Laboratory/Sanitary N/A Potable? Yes ☐ No ☐
Potable? Yes ☐ No ☐
- Receiving Stream South Fork Catfish Creek tributary to Catfish Creek/Mississippi
7-day 10-year Low Flow 0 cfs. Source of stream flow data Assumed based on drainage area
Drainage area above site ≈ 3 square miles
Is stream a dry run _____ intermittent ☒ continuous flow _____
Describe downstream usage of the receiving stream Livestock, fish & wildlife

