

# *City of West Branch*

~ A Heritage for Success ~

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110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358  
Ph. 319-643-5888 • Fax 319-643-2305 • www.westbranchiowa.org • wbcity@lcom.net

**PLANNING AND ZONING COMMISSION MEETING**  
**Tuesday, December 3, 2013 • 6:30 p.m.**  
**West Branch City Council Chambers, 110 N. Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve minutes from the October 15, 2013 Planning and Zoning Commission Meeting/Move to Action.
4. Approve Clean Energy Site Plan./Move to Action.
5. Approve one-year extension of Lot #1 Pedersen Valley, Part One Site Plan per Section 173.09 of the City Code of Ordinances./Move to action.
6. Approve zoning amendment recommendations to the City Council./Move to action.
7. Old Business
  - a. Casey's Site Plan
8. New Business
9. Adjourn

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**Planning & Zoning Commission Members:** Roger Laughlin, Chair, Helen Dauber, John Fuller,  
Trent Hansen, Molly Menard, Lisa Schettler, Gary Slach  
**Mayor:** Mary Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Jim Oaks, Brian Pierce, Tim Shields  
**City Administrator/Clerk:** Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin  
**Parks & Rec Director:** Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

*(These minutes are not approved until the next Commission meeting.)*

**City of West Branch Planning & Zoning Commission Meeting**  
**October 15, 2013**  
***West Branch City Council Chambers, 110 North Poplar Street***

Chairman Roger Laughlin opened the meeting of the West Branch Planning and Zoning Commission at 6:35 p.m. by welcoming Mayor Mark Worrell, the audience and following City Staff: City Administrator Matt Muckler, Administrative Assistant Shanelle Peden, Public Works Employee Paul Stagg, and City Engineer Dave Schechinger. Commission members Roger Laughlin (Chair), John Fuller, Trent Hansen, Molly Menard, Al Rozinek, and Gary Slach were present. Commission member Lisa Schettler was absent.

Motion by Laughlin to approve minutes from the September 24, 2013 meeting, second by Rozinek. AYES: Laughlin, Rozinek, Fuller, Hansen, Menard, Slach. NAYS: None. Absent: Schettler. Motion carried.

Cookson Final Plat- City Engineer Dave Schechinger indicated that the final plat conforms to the preliminary plat, and that either public improvements or bonding would need to be completed prior to approval by the City Council. Commission Member Hansen asked if sump pumps would drain along specific lots in the subdivision. Developer Larry Lynch commented that drainage would occur to the south edge of the property.

Motion by Laughlin to approve the Cookson Subdivision Final Plat, second by Fuller. Commission Member Rozinek remarked that he would still like to see Cookson Street go through. AYES: Laughlin, Fuller, Hansen, Menard, Rozinek, Slach. NAYS: None. Absent: Schettler. Motion carried.

Tidewater Heights Preliminary Plat-Dave Larsen spoke on behalf of Sacaba, L.L.C. who indicated that the developer wants the plat divided into two lots of 1.5 and 4.14 acres, respectively. Chair Laughlin asked what improvements were being made to the development. City Engineer Schechinger mentioned that the improvements will widen Tidewater Drive ten feet on either side, along with the future potential to extend Rummells Avenue to the north. Mayor Worrell and Commission Member Fuller both thought that a shared cost by all involved in the development of the area is the best option. City Engineer Schechinger recommended defining a future right of way for Rummells Ave. before proceeding.

Motion by Fuller to approve with consideration to the future extension of Rummells Avenue and Tidewater Drive, second by Laughlin. AYES: Fuller, Laughlin, Hansen, Menard, Rozinek, Slach. NAYS: None. ABSENT: Schettler. Motion carried.

Tidewater Heights Final Plat-City Engineer Schechinger added that it would be important to widen Tidewater ten feet on both sides and have it dedicated to the City. Commission Member Hansen asked if there was concern about setbacks.

Motion by Laughlin to approve the Tidewater Heights Final Plat, second by Fuller. AYES: Laughlin, Fuller, Menard, Slach, Rozinek. NAYS: Hansen. ABSENT: Schettler. Motion carried.

Urban Renewal Plan-City Administrator Muckler indicated that the annual review of the Amended and Restated Urban Renewal Plan highlights current and potential future Tax Incremental Funding projects. He further mentioned that Scott Drive and Acciona would be removed with this revision. In addition, the City held a consultation with taxing entities on September 30th and received feedback from the West Branch Community School District. Commission Member Fuller asked if estimates of specific projects could be included, as well as

timing. Chair Laughlin indicated that he would like to see the Council set expiration dates on TIF districts, as the School District indicated. He also asked if there was a need to create future TIF districts at this time.

Motion by Fuller to approve with rough cost estimates for each project and implementation of a timing schedule for each project, second by Menard.

AYES: Fuller, Menard, Hansen, Laughlin, Rozinek, Slach. NAYS: None. ABSENT: Schettler. Motion carried.

Casey's Site Plan-City Engineer Schechinger indicated that developers are working on creating a turn lane and have submitted a draft plan review. He also added that the developers need to obtain approval from the Iowa Department of Transportation prior to submission of the Site Plan. Schechinger indicated that he spoke with Pelds Engineering and will discuss Tidewater Drive with them. Furthermore, Schechinger added that he spoke with members of the Patel family at the Presidential Inn regarding the road restructure and access changes.

Clean Energy Site Plan-Jerry Felt spoke to the Commission indicating that the current planned location would be an unmanned facility. He also added that Clean Energy provides a product that is cleaner than diesel and is stored above ground. Commission Member Hansen asked what the tank capacity would be. City Administrator Muckler responded that the tanks hold 18,000 gallons each. Commission Member Fuller asked about the number of trucking firms involved. Felt added that phase one and two would include grading and drainage as well as landscaping and a full project layout. He also added that a masonry screen wall would be constructed between the Clean Energy Site and the Presidential Inn. Finally, Felt indicated that the property is secured by high fencing with drivers having electronic card access.

City Administrator Muckler added that specific emergency procedure training and information would need to be provided for the West Branch Fire Department including a site specific disaster recovery plan.

Felt added that specific emergency procedure training is available at Texas A & M University semiannually. Chair Laughlin asked about the estimated value of the property, and how it would be assessed at the county level.

Commission Member Fuller asked which federal agency would regulate and how a connection would be made with the pipeline. City Engineer Schechinger mentioned that he is working with Pelds Engineering and will be contacting Mick Bennett at Alliant Energy regarding the property.

Draft of Updated Zoning Map-Dave Schechinger mentioned that his firm is currently working on updating the City Zoning Map. City Administrator Muckler asked if the City cemetery and recent property purchase could both be reevaluated. He also added that a more definitive National Park zoning area be established.

Commission Member Fuller asked for specific public land designation be created with allowable area based on National Park Service standards. Chair Laughlin asked that Commission Members bring one or two recommendations to the next Commission meeting.

Retaining Wall-City Council and Zoning Board of Adjustment-City Administrator Muckler noted that as a result of the Zoning Board of Adjustment meeting on September 30<sup>th</sup>, Chair Jim Huber had resigned from the Board. Muckler also added that a writ of certiorari in the form of a resolution would be presented to the City Council on October 21<sup>st</sup> based on the Zoning Board of Adjustment's decision process.

Commission Member Rozinek turned in his resignation from the Planning & Zoning Commission. Rozinek indicated that he has served on the Commission since Maxine Maher was Mayor of West Branch.

Motion by Rozinek, to adjourn, second by Menard. Motion carried on a voice vote. Meeting adjourned at 8:46 p.m.

CITY OF WEST BRANCH  
COMMISSION ACTION REPORT

MEETING DATE: December 3, 2013 AGENDA ITEM: 4

DATE PREPARED: November 25, 2013

STAFF LIAISON: Matt Muckler, City Administrator

ACTION TITLE:  
Clean Energy Site Plan

**RECOMMENDATIONS:**  
Approve Clean Energy Site Plan

**PROJECT DESCRIPTION:**  
At the October 15, 2013 Planning & Zoning Commission Meeting, Jerry Felt, Project Manager with the Fiedler Group, representing Clean Energy, appeared and provided information on the Clean Energy Project proposed for West Branch.

At the November 18, 2013 Council Meeting, the City Council approved the final plat for Tidewater Heights Subdivision. Clean Energy is requesting approval of a site plan for the proposed LNG fueling station to be located on lot 1 of the Tidewater Heights Subdivision. Lot 1 consists of 1.49 acres.

Both Sacaba LLC and Clean Energy have been made aware that road improvements will be necessary to accommodate this new development. City Engineer Dave Schechinger has worked with Pelds Engineering, representing Casey's, to develop an improvements plan and an estimated cost of improvements for the Clean Energy site.

**ATTACHMENTS:**  
Clean Energy Letter, October 3, 2013 (2 Pages)  
Tidewater Heights Subdivision Final Plat  
Clean Energy LNG Fueling Station Site Plan  
Clean Energy LNG Fueling Station Overall Site Plan & Traffic Circulation Plan  
Photo of Clean Energy Fueling Station  
Proposed Conditions Drainage Area Map  
Existing Conditions Drainage Area Map  
Iowa DNR Notice of Intent (6 Pages)  
Tidewater Drive Street Improvements Plan  
Estimated Costs of Improvements – LNG Proposed Development  
Erosion Control Plan

Attached Separately – Clean Energy Plans  
Clean Energy LNG Emergency Response Plan (42 pages)  
2013 NFPA 52 Vehicular Gaseous Fuel Systems Code Analysis (23 Pages)  
Storm Water Pollution Prevention Plan (30 Pages)  
Storm Water Drainage Study (113 Pages)

5 MacArthur Court, Suite 300  
Port Beach CA 92660  
949.437.1000 fax 949-724-1397

[www.cleanenergyfuels.com](http://www.cleanenergyfuels.com)



October 3, 2013

Mr. Matt Muckler  
City Administrator  
City of West Branch  
110 North Poplar Street  
West Branch, IA 52358

**RE: Clean Energy LNG Fueling Facility at Tidewater Drive  
Site Plan Review**

Dear Mr. Muckler:

Please be advised that Clean Energy is requesting review and approval of a Site Plan Review for the proposed LNG Fueling Station at the above-referenced property. Clean Energy is the leading provider of natural gas fuel for transportation in North America and a global leader in the expansion and introduction of natural gas vehicles. As a result Clean Energy designs, builds, operates, and maintains natural gas fueling stations offering the latest in convenience, technology, and safety. Compared to diesel and gasoline, natural gas fuel is cheaper, cleaner, and greener. It is sourced domestically with supplies projected to last over 120 years. Clean Energy is committed to delivering the benefits of natural gas fuel to operators across America, at the same time Clean Energy is dedicated to protecting the environment by promoting sustainable clean-fuel transportation solutions.

Additionally, Clean Energy envisions a fueling network that enables trucks to operate on natural gas in all key markets across the Country. To make this goal a reality, Clean Energy is actively developing America's Natural Gas Highway, with LNG and CNG fueling stations at strategic locations along major interstate trucking corridors. Many stations will be located at Pilot-Flying J travel centers that already serve truckers across the Country. Clean Energy respectfully request for assistance of the City of West Branch to promote the benefits of natural gas by means of approving our Site Plan Review application.

The station will be located at Tidewater Drive, just south of where Tidewater Drive and Division Street meet. Clean Energy's application would be to develop the currently vacant property to include a canopy with signage, fueling dispensers, card readers, above ground storage tanks, associated controls, equipment pads, interconnecting piping, electrical, light standards and safety systems.

4675 MacArthur Court, Suite 300  
Newport Beach CA 92660  
949.437.1000 fax 949-724-1397

[www.cleanenergyfuels.com](http://www.cleanenergyfuels.com)

Should you have any questions in regard to the Site Plan Review request or Clean Energy's overall business objective, please contact me directly at (562) 343-6953. Thank you in advance for your time and consideration.

Sincerely,

**CLEAN ENERGY**

A handwritten signature in black ink that reads "M. Ultreras". The signature is fluid and cursive, with a long horizontal stroke at the end.

Monica Ultreras  
National Planning Manager

/mu

Attachments

# FINAL PLAT TIDEWATER HEIGHTS SUBDIVISION

CITY OF WEST BRANCH, CEDAR COUNTY, IOWA

PLAT PREPARED BY: MMS CONSULTANTS INC.  
1917 S. GILBERT STREET  
IOWA CITY, IA 52240

OWNER/SUBDIVIDER: SACABA LLC  
C/O MATT HAYEK  
HAYEK BROWN MORELAND & SMITH LLP  
120 E. WASHINGTON STREET  
IOWA CITY, IOWA 52240

OWNER'S ATTORNEY: MATT HAYEK  
HAYEK BROWN MORELAND & SMITH LLP  
120 E. WASHINGTON STREET  
IOWA CITY, IOWA 52240

-PREPARED BY AND RETURN TO: MMS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 (319)351-8282

### LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 79 NORTH, RANGE 4 WEST OF THE 5TH P.M. CITY OF WEST BRANCH, CEDAR COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF AUDITOR'S PARCEL "E", ACCORDING TO THE PLAT RECORDED IN BOOK C AT PAGE 146 IN THE RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE; THENCE N90°00'00"W, ALONG THE SOUTH LINE OF SAID AUDITOR'S PARCEL "E", 732.72 FEET TO THE SOUTHWEST CORNER OF SAID AUDITOR'S PARCEL "E"; THENCE N00°25'56"W, ALONG THE WEST LINE OF SAID AUDITOR'S PARCEL "E", 254.40 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A QUIT CLAIM DEED RECORDED IN BOOK 667 AT PAGE 349 IN THE RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE; THENCE N89°59'12"E, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, 129.96 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N00°28'25"W, 9.85 FEET TO A POINT ON THE NORTH LINE OF SAID AUDITOR'S PARCEL "E"; THENCE S88°46'20"W, 14.83 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TIDEWATER DRIVE; THENCE N54°41'31"E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 398.97 FEET TO THE NORTHWEST CORNER OF LOT 10, LACINA SUBDIVISION, CEDAR COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN BOOK 54 AT PAGES 114-130 IN SAID CEDAR COUNTY, RECORDER'S OFFICE; THENCE S31°22'59"E, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 10, A DISTANCE OF 240.96 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 10; THENCE S00°07'24"W, 25.02 FEET TO A POINT ON THE NORTHERLY LINE OF SAID AUDITOR'S PARCEL "E"; THENCE N89°55'01"E, ALONG SAID NORTHERLY LINE, 165.51 FEET TO THE NORTHEAST CORNER OF SAID AUDITOR'S PARCEL "E"; THENCE S00°39'53"E, ALONG THE EASTERLY LINE OF SAID AUDITOR'S PARCEL "E", 264.08 FEET TO THE POINT OF BEGINNING, CONTAINING 5.64 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LINE	LENGTH	BEARING
L1	9.85'	N00°28'25"W
L2	9.94'	N00°48'41"W
L3	14.83'	S88°46'20"W
L4	25.02'	S00°07'24"W

TRACT OF LAND DESCRIBED BY A QUIT CLAIM DEED RECORDED IN BOOK 667, PAGE 349 IN THE RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE

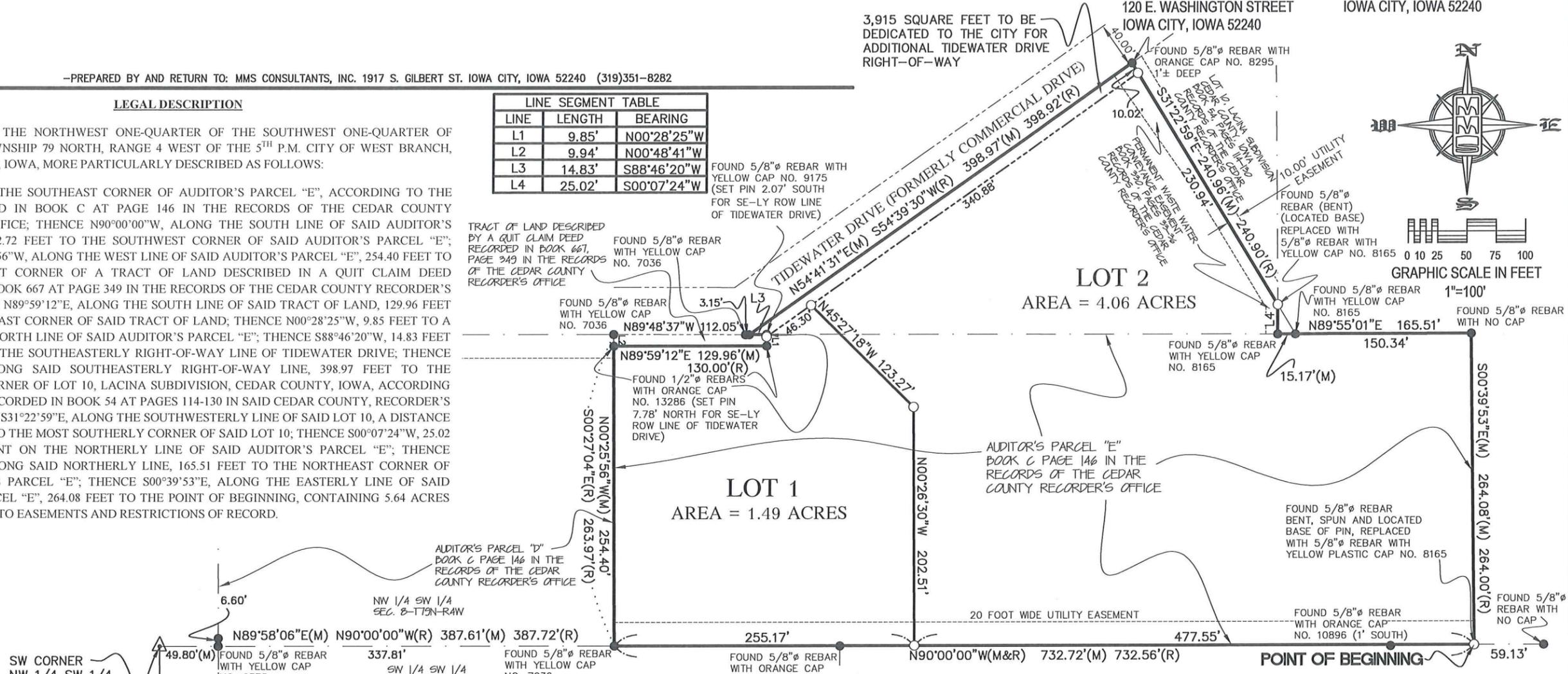
FOUND 5/8" REBAR WITH YELLOW CAP NO. 7036 (SET PIN 2.07' SOUTH FOR SE-LY ROW LINE OF TIDEWATER DRIVE)

FOUND 5/8" REBAR WITH YELLOW CAP NO. 7036

FOUND 5/8" REBAR WITH YELLOW CAP NO. 7036

FOUND 1/2" REBARS WITH ORANGE CAP NO. 13286 (SET PIN 7.78' NORTH FOR SE-LY ROW LINE OF TIDEWATER DRIVE)

3,915 SQUARE FEET TO BE DEDICATED TO THE CITY FOR ADDITIONAL TIDEWATER DRIVE RIGHT-OF-WAY



SW CORNER NW 1/4 SW 1/4 SEC. 8-T79N-R4W FOUND PK NAIL BOOK 802, PAGE 144

BAKER AVENUE

PLAT APPROVED BY:

SACABA LLC Date: 11.22.13

MAYOR OF WEST BRANCH Date: 11/22/13

CITY CLERK OF WEST BRANCH Date: 11/22/13

CHAIR OF PLANNING AND ZONING Date: 11/22/13

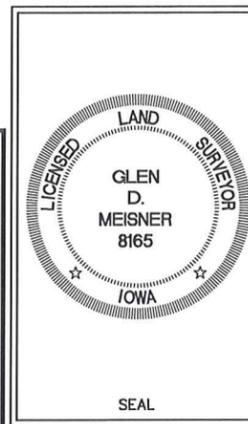
PLAT OF SURVEY (RETRACEMENT)  
CITY OF WEST BRANCH  
CEDAR COUNTY, IOWA  
BOOK 1, PAGE 254

### LEGEND AND NOTES

△	CONGRESSIONAL CORNER, FOUND
△	CONGRESSIONAL CORNER, REESTABLISHED
△	CONGRESSIONAL CORNER, RECORDED LOCATION
●	PROPERTY CORNER(S), FOUND (as noted)
○	PROPERTY CORNERS SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
⊗	CUT "X"
—	PROPERTY &/or BOUNDARY LINES
- - -	CONGRESSIONAL SECTION LINES
- - -	RIGHT-OF-WAY LINES
- - -	CENTER LINES
- - -	LOT LINES, INTERNAL
- - -	LOT LINES, PLATTED OR BY DEED
- - -	EASEMENT LINES, WIDTH & PURPOSE NOTED
- - -	EXISTING EASEMENT LINES, PURPOSE NOTED
- - -	RECORDED DIMENSIONS
- - -	MEASURED DIMENSIONS
- - -	CURVE SEGMENT NUMBER

(R)  
(M)  
C22-1

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

GLEN D. MEISNER, L.S. Iowa Lic. No. 8165

My license renewal date is December 31, 2013.

Pages or sheets covered by this seal: 71

Signed before me this 22nd day of Nov., 2013.

Notary Public, in and for the State of Iowa.

Date	Revision	
10/31/13	ADDED NEW ROW	-mas
11/19/13	ADDED EASEMENT	-mas
11/22/13	GDM REVIEW	-mas

## FINAL PLAT TIDEWATER HEIGHTS SUBDIVISION

A PORTION OF THE  
NW 1/4 SW 1/4 OF  
SEC. 8-T79N-R4W OF THE 5TH P.M.  
CITY OF WEST BRANCH  
CEDAR COUNTY, IOWA

MMS CONSULTANTS, INC.

Date: 9/18/2013

Surveyed by: WTH Field Book No: 1039

Drawn by: MAS Scale: 1"=100'

Checked by: GDM Sheet No: 1

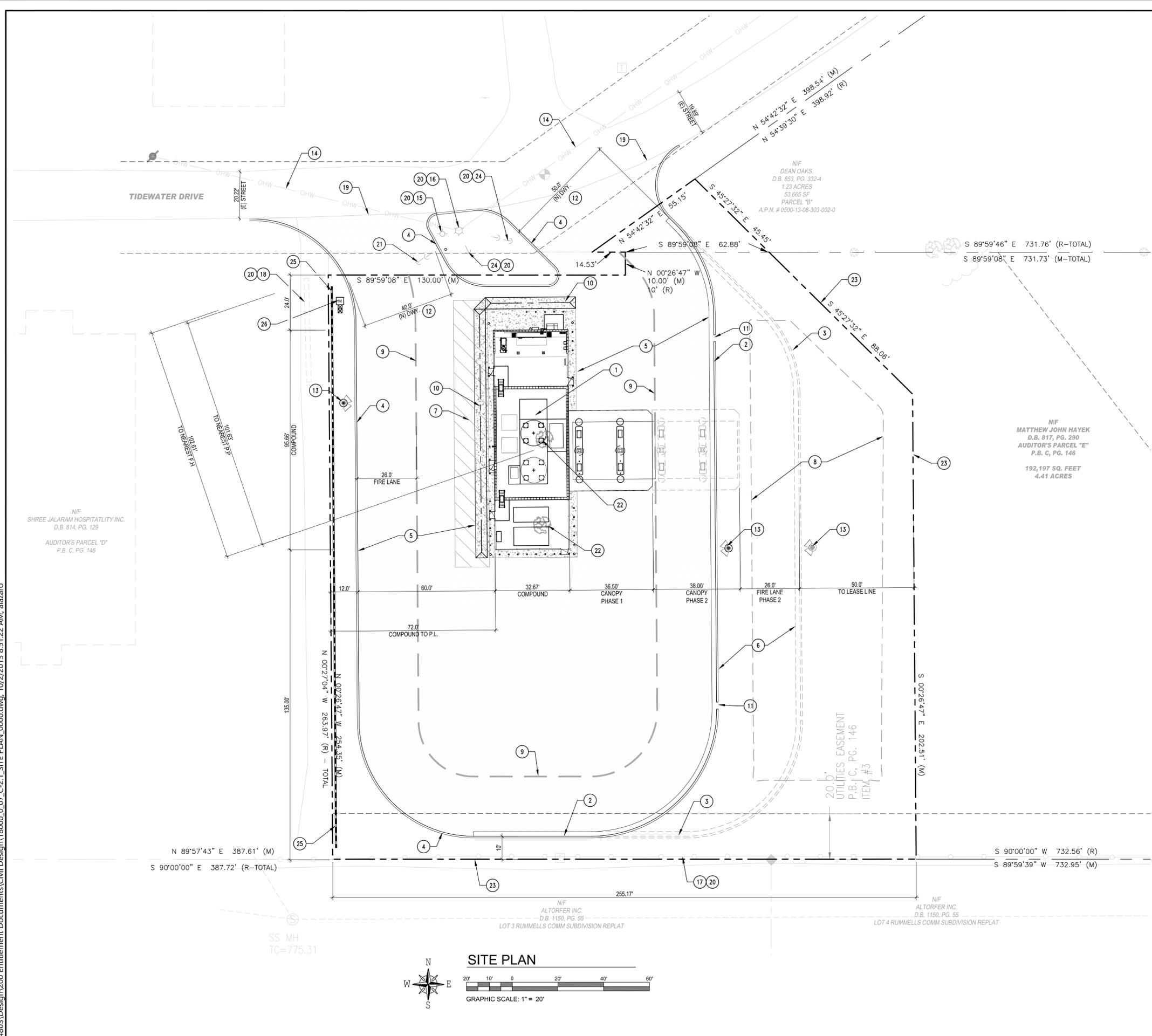
Project No: IC 9257-001 7 of: 1



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282

www.mmsconsultants.net



**KEY NOTES**

- 1 (N) LNG FUELING STATION
- 2 (N) CURB AND GUTTER PHASE 1
- 3 (N) CURB AND GUTTER PHASE 2
- 4 (N) CURB PHASE 1
- 5 (N) AC PAVING PHASE 1
- 6 (N) AC PAVING PHASE 2
- 7 (N) STRIPED LOADING AREA
- 8 (N) DETENTION BASIN PHASE 1
- 9 (N) 26' WIDE FIRE ACCESS LANE
- 10 (N) 5' WIDE CONCRETE SWALE
- 11 NOT USED
- 12 (N) AC DRIVEWAY, SEE PLAN FOR WIDTH
- 13 (N) YARD LIGHT
- 14 (E) OVERHEAD POWER LINE
- 15 (E) FIRE HYDRANT
- 16 (E) POWER POLE
- 17 (E) FENCE
- 18 (E) SIGN
- 19 JOIN (E) PAVEMENT
- 20 PROTECT IN PLACE
- 21 RELOCATE (E) GUY WIRE
- 22 REMOVE (E) TREE
- 23 PROJECT LEASE LINE
- 24 (E) GUY WIRE
- 25 (N) 6' HIGH MASONRY SCREEN WALL
- 26 (N) 3/4" WATER METER WITH BACKFLOW PREVENTER

1235 W. BEAUFORT ST. SUITE 101 NEWPORT BEACH, CA 92660  
 TEL: (949) 431-1000 FAX: (949) 724-1897 WWW.CLEANENERGYFUELS.COM  
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REV#	DATE	REVISIONS
0	09/27/13	ISSUED FOR CLIENT REVIEW
		CC

PATRICK O. FIEDLER  
 LICENSE # 21043  
 IOWA

Know what's below. CALL 811 before you dig.  
 REDUCED PLAN DRAWING MAY BE REDUCED  
 CAUTION: THE ORIGINAL DRAWING IS 3" X 18" ORIGINAL DRAWING

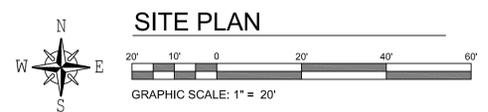
**LNG FUELING STATION**  
 VACANT LOT - TIDEWATER DRIVE  
 WEST BRANCH, IA 52358

**SITE PLAN**  
 APN# 05000-14-08-303-003-0

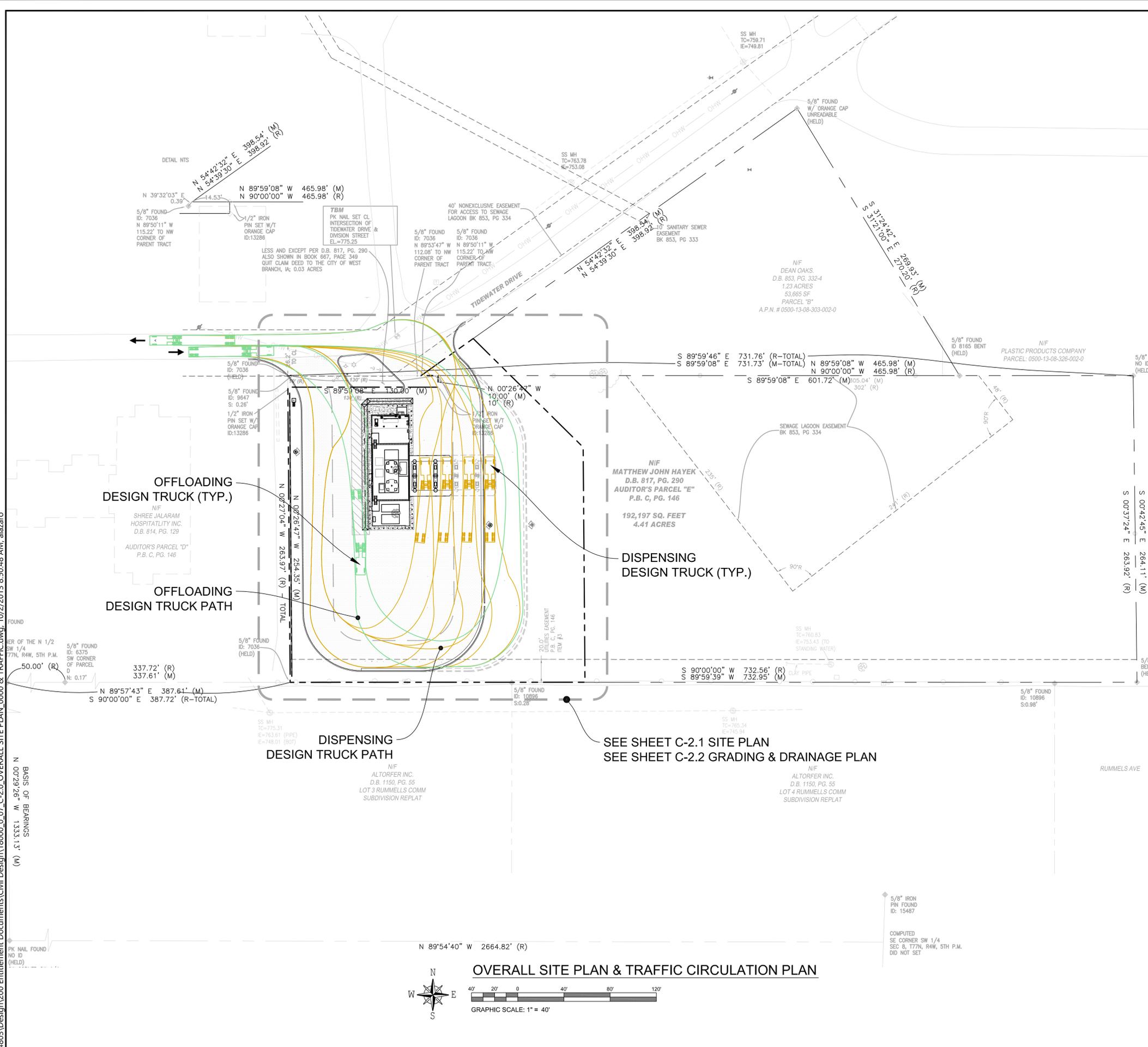
DATE: 08/06/2013 DRAWN BY: IM  
 SCALE: AS NOTED SHEET: C-2.1

**fiedlergroup**  
 Architecture & Engineering

2322 W. Third Street  
 Los Angeles, CA 90057  
 (213) 381-7891  
 fiedlergroup.com



DATE	LAYOUT VERSION	DATE	TEMPLATE VERSION	ZONE
05/09/2013	SP2 REV- 1 05/13/2013	03/19/2013	18000-SHORT_0_07_2-TANKS FULL BUILD OUT	SW-S-SE



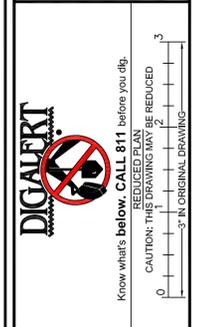
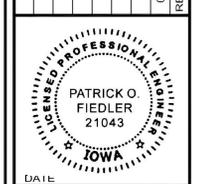
**OVERALL SITE PLAN & TRAFFIC CIRCULATION PLAN**

GRAPHIC SCALE: 1" = 40'

SITE INFORMATION				
PROJECT AREA		AREA		
EXISTING PARCEL # 0500-13-08-303-003-0	(4.41 ACRES)	192,197 SQ. FT.		
EXISTING PARCEL # 0500-13-08-303-002-0	(1.23 ACRES)	53,665 SQ. FT.		
EASEMENTS	(0.12 ACRES)	5,053 SQ. FT.		
PROJECT LEASE AREA		65,453 SQ. FT.		
SITE IMPROVEMENTS		AREA		
ASPHALT PAVEMENT (OFF-SITE)	(0.08 ACRES)	3,283 SQ. FT.		
ASPHALT PAVEMENT (ON-SITE)	(0.71 ACRES)	30,769 SQ. FT.		
ASPHALT PAVEMENT (ON-SITE) PHASE 2	(0.20 ACRES)	8,544 SQ. FT.		
CONCRETE PAVEMENT	(0.07 ACRES)	3,060 SQ. FT.		
CONCRETE PAVEMENT PHASE 2	(0.03 ACRES)	1,310 SQ. FT.		
FOUNDATION & EQUIPMENT CONCRETE PAVEMENT	(0.07 ACRES)	3,125 SQ. FT.		
AREA OF DISTURBANCE	(1.45 ACRES)	63,102 SQ. FT.		
PRE IMPERVIOUS PAVE. (W/ IN AREA OF DISTURBANCE)	(0%)	0 SQ. FT.		
POST IMPERVIOUS PAVE. (W/ IN AREA OF DISTURBANCE)	(72%)	46,808 SQ. FT.		
ZONING		ZONE		
EXISTING		HCI		
PROPOSED		HCI		
ASSESSORS PARCEL NUMBERS		0500-13-08-303-003-0		
COUNTY		CEDAR		
OPEN SPACE				
DESCRIPTION	PERCENT	AREA		
PROJECT LEASE AREA		65,453 SQ. FT.		
OPEN SPACE (EXISTING)	100%	65,453 SQ. FT.		
OPEN SPACE TO BE REMOVED	-72%	46,808 SQ. FT.		
TOTAL OPEN SPACE PROVIDED :		28% 18,648 SQ. FT.		
STRUCTURES				
DESCRIPTION	SIZE	OCCUPANCY	CONS. TYPE	AREA
PROPOSED CANOPY	25'x36'	H-2/M/U	II-B	900 SQ. FT.
TOTAL BUILDING AREA:		900 SQ. FT.		
PROJECT AREA	BUILDING AREA	900 SQ. FT. = 1.38 %		
% OF LOT COVERAGE	PROJECT LEASE AREA	65,453 SQ. FT.		



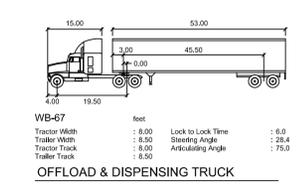
REV	DATE	REVISIONS
0	09/27/13	ISSUED FOR CLIENT REVIEW



**LNG FUELING STATION**  
**VACANT LOT - TIDEWATER DRIVE**  
**WEST BRANCH, LA 52358**  
**OVERALL SITE PLAN &**  
**TRAFFIC CIRCULATION PLAN**

DATE: 08/06/2013  
 DRAWN BY: IM  
 SCALE: AS NOTED  
 SHEET: C-2.0

**fiedlergroup**  
 Architecture & Engineering  
 2322 W. Third Street  
 Los Angeles, CA 90057  
 (213) 381-7891  
 fiedlergroup.com



DATE	LAYOUT VERSION	DATE	TEMPLATE VERSION	ZONE
05/09/2013	SP2 REV-1 05/13/2013	03/19/2013	18000-SHORT_07_2-TANKS FULL BUILD OUT	SW-S-SE

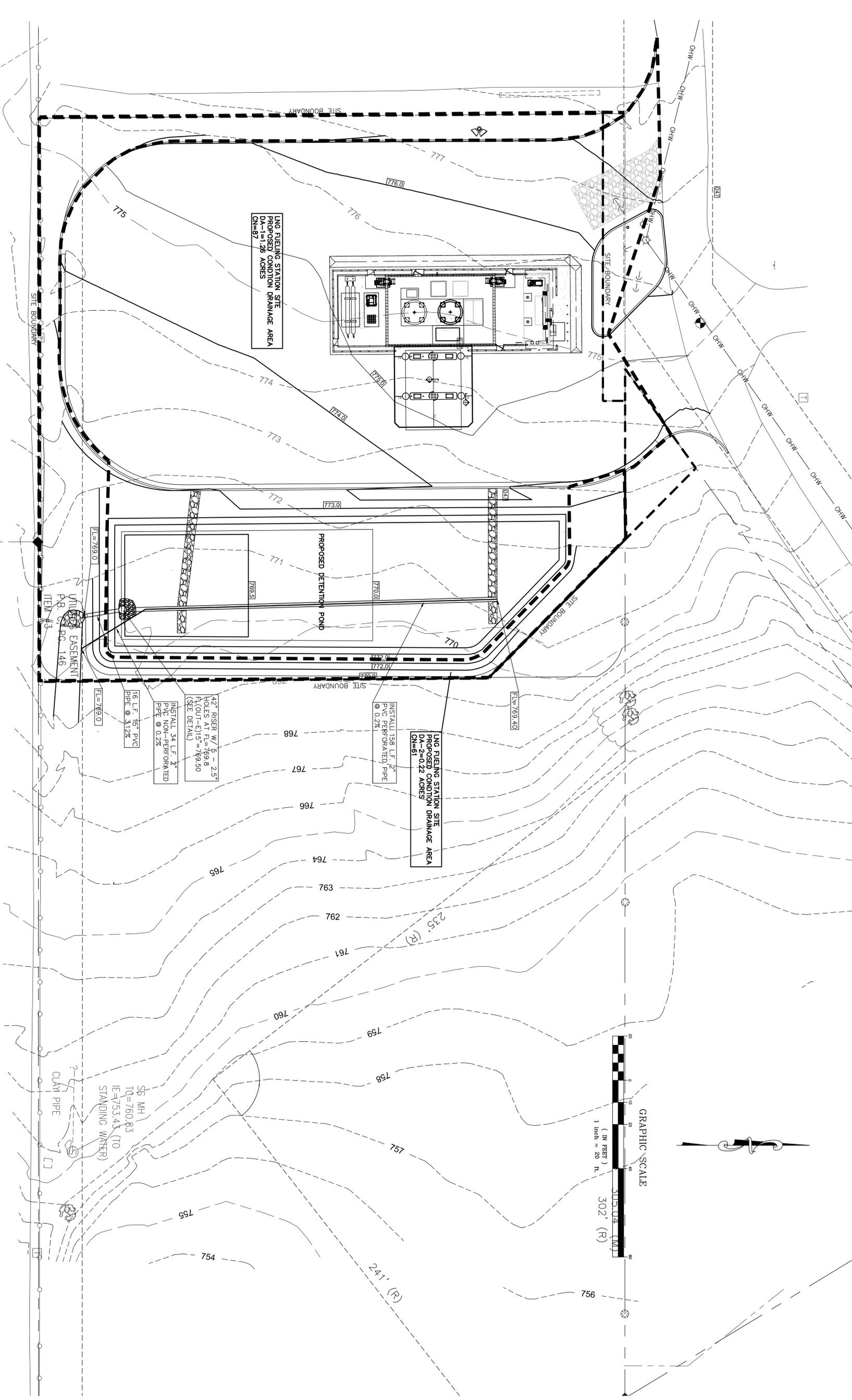


Clean Energy  
LIQUEFIED NATURAL GAS

Clean Energy®

STOP MOTOR - FLAMMABLE GAS  
NO SMOKING - LIQUEFIED GAS

THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.



**CLEAN ENERGY LNG FUELING FACILITY**  
**126 TIDEWATER DRIVE**  
**WEST BRANCH, CEDAR COUNTY, IOWA**

**PROPOSED CONDITIONS**  
**DRAINAGE AREA MAP**

PROJ. NO. **B1302399**  
 DESIGNER  
 DRAWN BY  
 SHEET **2399 DAM**  
 REV

**KAW VALLEY ENGINEERING, INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 8040 N. OAK TRAFFICWAY  
 KANSAS CITY, MISSOURI 64118  
 PH. (816) 468-5858 | FAX (816) 468-6651  
 kv@kveneng.com | www.kveneng.com

JUNCTION CITY, KS | KANSAS CITY, MO | LENEXA, KS | SALINA, KS

REV	DATE	DESCRIPTION	DSN	DWN	CHK





**IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION  
NOTICE OF INTENT FOR NPDES COVERAGE UNDER GENERAL  
PERMIT**

<b>CASHIER'S USE ONLY</b> 0253-542-SW08-0581 Authorization # _____ Name _____
--

No. 1 FOR "STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY"

or

No. 2 FOR "STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY FOR CONSTRUCTION ACTIVITIES"

or

No. 3 FOR "STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY FOR ASPHALT PLANTS, CONCRETE BATCH PLANTS, ROCK CRUSHING PLANTS, AND CONSTRUCTION SAND AND GRAVEL FACILITIES."

**PERMIT INFORMATION**

Has this storm water discharge been previously permitted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please list authorization number _____ Under what General Permit are you applying for coverage? General Permit No. 1 <input type="checkbox"/> General Permit No. 2 <input checked="" type="checkbox"/> General Permit No. 3 <input type="checkbox"/>
---

**PERMIT FEE OPTIONS**

For coverage under the NPDES General Permit the following fees apply: <input checked="" type="checkbox"/> Annual Permit Fee \$175 (per year) Maximum coverage is one year. <input type="checkbox"/> 3-year Permit Fee \$350 Maximum coverage is three years. <input type="checkbox"/> 4-year Permit Fee \$525 Maximum coverage is four years. <input type="checkbox"/> 5-year Permit Fee \$700 Maximum coverage is five years. Checks should be made payable to: Iowa Department of Natural Resources.
---

**FACILITY OR PROJECT INFORMATION**

Enter the name and full address/location (not mailing address) of the facility or project for which permit coverage is requested.

NAME: CLEAN ENERGY LNG FUELING STATION		STREET ADDRESS OF SITE: 126 TIDEWATER DRIVE	
CITY: WEST BRANCH	COUNTY: CEDAR	STATE: IOWA	ZIP CODE: 52358

**CONTACT INFORMATION**

Give name, mailing address and telephone number of a contact person (Attach additional information on separate pages as needed). This will be the address to which all correspondence will be sent and to which all questions regarding your application and compliance with the permit will be directed.

NAME: BRANDON MIGGE, PROJECT MANAGER		ADDRESS: 4675 MACARTHUR COURT, SUITE 800	
CITY: NEWPORT BEACH	STATE: CA	ZIP CODE: 92660	TELEPHONE (562 ) 936-7122

Check the appropriate box to indicate the legal status of the operator of the facility.

Federal  State  Public  Private  Other (specify) \_\_\_\_\_

SIC CODE (General Permit No. 1 & 3 Applicants Only)

--

SIC code refers to Standard Industrial Classification code number used to classify establishments by type of economic activity.

**FACILITY LOCATION OR LOCATION OF CONSTRUCTION SITE**

Give the location by ¼ section, section, township, range, (e.g., NW, 7, T78N, R3W).

1/4 SECTION	SECTION	TOWNSHIP	RANGE
SW	8	T79N	R4W

MAIL TO:  STORM WATER COORDINATOR IOWA DEPARTMENT OF NATURAL RESOURCES 502 E 9 <sup>TH</sup> ST DES MOINES IA 50319-0034
--

**OWNER INFORMATION**

Enter the name and full address of the owner of the facility.

NAME: CLEAN ENERGY		ADDRESS: 4675 MACARTHUR COURT, SUITE 800	
CITY: NEWPORT BEACH	STATE: CA	ZIP CODE: 92660	TELEPHONE: (562 ) 936-722

**OUTFALL INFORMATION**

Discharge start date, i.e., when did/will the site begin operation or 10/1/92, whichever is later:	APPROX. DEC. 2013
Is any storm water monitoring information available describing the concentration of pollutants in storm water discharges?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>NOTE: Do not attach any storm water monitoring information with the application.</b>	
Receiving water(s) to the first uniquely named waterway in Iowa (e.g., road ditch to unnamed tributary to Mud Creek to South Skunk River): SWALE TO UNNAMED TRIBUTARY OF WEST BRANCH WAPSINONIC CREEK TO WEST BRANCH WAPSINONIC CREEK TO WAPSINONIC CREEK TO CEDAR RIVER	
Compliance With The Following Conditions:	Yes No
Has the Storm Water Pollution Prevention Plan been developed prior to the submittal of this Notice of Intent and does the plan meet the requirements of the applicable General Permit? (do not submit the SWPPP with the application)	<input checked="" type="checkbox"/> <input type="checkbox"/>
Will the Storm Water Pollution Prevention Plan comply with approved State (Section 161A.64, Code of Iowa) or local sediment and erosion plans? (for General Permit 2 only)	<input checked="" type="checkbox"/> <input type="checkbox"/>
Have two public notices been published for at least one day, one each in the two newspapers with the largest circulation in the area where the discharge is located, and are the proofs of notice attached? (new applications only)	<input checked="" type="checkbox"/> <input type="checkbox"/>

<b>GENERAL PERMIT NO. 2 AND GENERAL PERMIT NO. 3 APPLICANTS COMPLETE THIS SECTION.</b>
Description of Project (describe in one sentence what is being constructed): A LIQUIFIED NATURAL GAS FUELING STATION WITH CANOPY, FUELING DISPENSERS AND 4,550 SQUARE YARDS OF PAVEMENT
For General Permit No. 3 - Is this facility to be moved this year? <input type="checkbox"/> Yes <input type="checkbox"/> No
Number of Acres of Disturbed Soil: <u>1.5</u> (Construction Activities Only)
Estimated Timetable For Activities / Projects, i.e., approximately when did/will the project begin and end: DECEMBER 2013 THROUGH JUNE 2014

**CERTIFICATION - ALL APPLICATIONS MUST BE SIGNED**

**Only the following individuals may sign the certification:** owner of site, principal executive officer of at least the level of vice-president of the company owning the site, a general partner of the company owning the site, principal executive officer or ranking elected official of the public entity owning the site, any of the above of the general contracting company for construction sites.

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified people properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, this information is to the best of my knowledge and belief, true, accurate, and complete. I further certify that the terms and conditions of the general permit will be met. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
NAME: (print or type)	TITLE AND COMPANY NAME OF SIGNATORY:
SIGNATURE:	DATE:

Instructions - To complete the public notice, fill in the blanks with the required information or select the appropriate response and send to the newspapers.

The public notice must be published at least one day each in two newspapers at your own expense.

PUBLIC NOTICE OF STORM WATER DISCHARGE

CLEAN ENERGY plans to submit a Notice of Intent to the  
*(applicant name)*

Iowa Department of Natural Resources to be covered under the NPDES General Permit

**GENERAL PERMIT NO. 2 "STORM  
WATER DISCHARGE ASSOCIATED WITH  
INDUSTRIAL ACTIVITY FOR  
CONSTRUCTION ACTIVITIES"**

*(select the appropriate general permit - No. 1 "Storm Water Discharge Associated with Industrial Activity", General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities, or General Permit No. 3 "Storm Water Discharge Associated With Industrial Activity From Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, And Construction Sand And Gravel Facilities")*

The storm water discharge will be from GRADING AND CONSTRUCTION  
ACTIVITIES  
*(description of industrial activity)*

located in SW 1/4, SECTION 8, TOWNSHIP 79 N, RANGE 4 W  
*(1/4 section, section, township, range, county)*

Storm water will be discharged from 1 point source(s) and will be discharged to  
*(number)*

the following streams: TRIBUTARY OF WEST BRANCH  
WAPSINONIC CREEK  
*(stream name(s))*

Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, Environmental Protection Division, 502 E. 9th Street, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after it has been received by the department.

**"HOW TO FILE A COMPLETE  
NOTICE OF INTENT"**

For

NPDES General Permit No.1  
for "Storm Water Discharge  
Associated With Industrial Activity"

or

NPDES General Permit No.2  
for " Storm Water Discharge  
Associated with Industrial Activity  
for Construction Activities"

or

NPDES General Permit No.3  
for "Storm Water Discharge Associated with  
Industrial Activity for Asphalt Plants,  
Concrete Batch Plants, Rock Crushing Plants  
and Construction Sand and Gravel Facilities"

In accordance with the Clean Water Act, all industrial facilities that discharge storm water meeting the definition of storm water associated with industrial activity must apply for coverage under a National Pollutant Discharge Elimination System (NPDES) permit.

These instructions are provided to assist activities that need to notify the Iowa Department of Natural Resources (IDNR) of their storm water discharge to be covered under Iowa's NPDES General Permit No. 1, General Permit No. 2 or General Permit No. 3.

The instructions are the same for all general permits. When a discharger provides a complete Notice of Intent to the IDNR, its storm water discharges will be subject to the terms and conditions of the appropriate general permit unless notified by the IDNR.

A pollution prevention plan is required for all storm water permits. The plan must be completed before submittal of the Notice of Intent. The plan should be kept on-site at the facility or construction site that generates the storm water discharge. Do not send the pollution prevention plan with the Notice of Intent.

**To file a complete Notice of Intent you must provide the following items:**

1. The completed Form 542-1415 entitled "*Notice of Intent for NPDES Coverage Under General Permit*",
2. Proof of Public notification from the two newspapers in the area with the highest circulation and,
3. Permit fee.

Each of these items is discussed in detail below and on the back side of this page.

Mail the completed application form 542-1415 with the two proofs of public notice and permit fee to the following address. DO NOT send the Pollution Prevention Plan with your Notice of Intent. DO NOT send the application form, fee payment or proofs of public notice separately. Send them all together.

**Storm Water Coordinator  
Department of Natural Resources  
502 E. 9th Street  
Des Moines, Iowa 50319-0034**

**1. Proof of Public Notification**

Iowa law requires dischargers to make public notice for seeking coverage under a general permit. The public notice must be published at least one day at your own expense in two different newspapers with the largest circulation in the area where the discharge is located.

The wording to use in the public notice is specified as a rule of the IDNR and is included as a separate page for your convenience. This wording contains the minimum information that must be provided in the public notice. You must complete the blank portions with the specified information. You may add more information to the notice if you wish.

To determine which newspapers have the largest circulation, ask your local newspaper or call the Iowa Newspaper Association (INA) at (515) 244-2145 for circulation information. The INA is located at 319 E. Fifth Street, Des Moines, Iowa 50309.

When your Notice of Intent is sent to the IDNR, you MUST enclose a clipping of each public notice with the names of the newspaper and date published, or an affidavit from each newspaper with the clippings attached to demonstrate your public notification requirement. If both proofs of public notice are not included with your application, the storm water permit authorization will NOT be issued.

**2. Form 542-1415**

In filling out the form, type or print legibly and complete both sides of the form.

*Permit Information and Fee Options*

Give permit information on the general permit for which you are applying and select a fee option.

**"HOW TO FILE A COMPLETE  
NOTICE OF INTENT"**

For

NPDES General Permit No.1  
for "Storm Water Discharge  
Associated With Industrial Activity"

or

NPDES General Permit No.2  
for " Storm Water Discharge  
Associated with Industrial Activity  
for Construction Activities"

or

NPDES General Permit No.3  
for "Storm Water Discharge Associated with  
Industrial Activity for Asphalt Plants,  
Concrete Batch Plants, Rock Crushing Plants  
and Construction Sand and Gravel Facilities"

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Department of Natural Resources  
502 E. 9th Street  
Des Moines, Iowa 50319-0034**

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**2. Form 542-1415**

In filling out the form, type or print legibly and complete both sides of the form.

*Permit Information and Fee Options*

Give permit information on the general permit for which you are applying and select a fee option.

*Facility or Project Information*

Enter the official or legal name of the facility or site. Enter the complete street address. If no street address exists, provide a geographic description (e.g., Intersection of 5<sup>th</sup> Street and 2<sup>nd</sup> Avenue or, at a minimum, the name of the street or road nearest the site), city, county, state and zip

code. Do not use a P.O. box number. This is the address of the facility or construction site not the address of the owner or contact.

For General Permits No. 1 and No. 3, provide a four-digit SIC code that best represents the principal products or activities provided by the facility.

#### *Contact Information*

Provide the legal name of a contact person, firm, public organization or any other entity that owns or operates the facility or site. The name of the operator or contact may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation. Provide a mailing address (P.O. box numbers may be used). Include the city, state, zip code and telephone number for a contact person. All correspondence relating to the storm water permit, including the storm water permit authorization, will be sent to this address.

#### *Facility Location or Location of Construction Site*

Give the location by ¼ section (e.g., NW), section number, township number (e.g., T78N) and range number (e.g., R4W). The location information can be obtained from United States Geological Survey topographic maps, by calling 1-(888) ASK-USGS.

#### *Owner Information*

Enter the name, mailing address and telephone number of the owner of the facility.

#### *Outfall Information*

Provide an estimated start date the discharge did or is to commence, the name(s) of the receiving water(s), and check compliance conditions. All applicable compliance conditions listed must be met for the Notice of Intent to be considered complete.

The discharge start date is the date storm water discharge from industrial activity or construction activity (from a construction site that disturbs one acre or more or is part of a larger common plan of development that disturbs one acre or more) began or will begin to leave the property. If the discharge start date is before 10/1/92, the correct date to place in the blank is 10/1/92. This is the date the State of Iowa implemented the storm water permit requirements.

If an industrial facility was not initially required to obtain a storm water permit but changed operations so that later a storm water permit was or will be required, the discharge start date is the date that the change was made that necessitated the need for a storm water permit.

Provide the name(s) of the receiving water(s) to the first uniquely named river. Explain to where the storm water runoff will drain (e.g., unnamed waterway to road ditch to unnamed tributary to Mud Creek to Skunk River).

#### *Compliance conditions*

Check the compliance conditions that apply. A pollution prevention plan is required for all storm water permits.

For General Permit No. 3 (if no soil disturbing activities will take place) and General Permit No. 1, the question regarding state or local sediment and erosion control plans does not apply. If you check no to any of the applicable compliance conditions, your application will not be approved.

#### *General Permits No. 2 and No. 3*

For construction sites that need a storm water discharge permit, in addition to the information required above, include a brief description of the project, estimated timetable for major activities and an estimate of the number of acres of the site on which soil will be disturbed.

For General Permit No. 3, identify if the facility is a portable plant.

#### *Certification*

The completed form must be signed by a qualified official. A qualified official is any of the following: owner, principal executive officer of at least the level of vice-president, general partner, general contractor (for construction sites), principal executive officer or ranking elected official (for publicly owned facilities).

**The Notice of Intent will be returned and no permit issued if information on the form is incomplete.**

### **3. Fees**

There is a permit fee for each general permit. The fee schedule is the same for General Permit No. 1, No. 2 and No. 3.

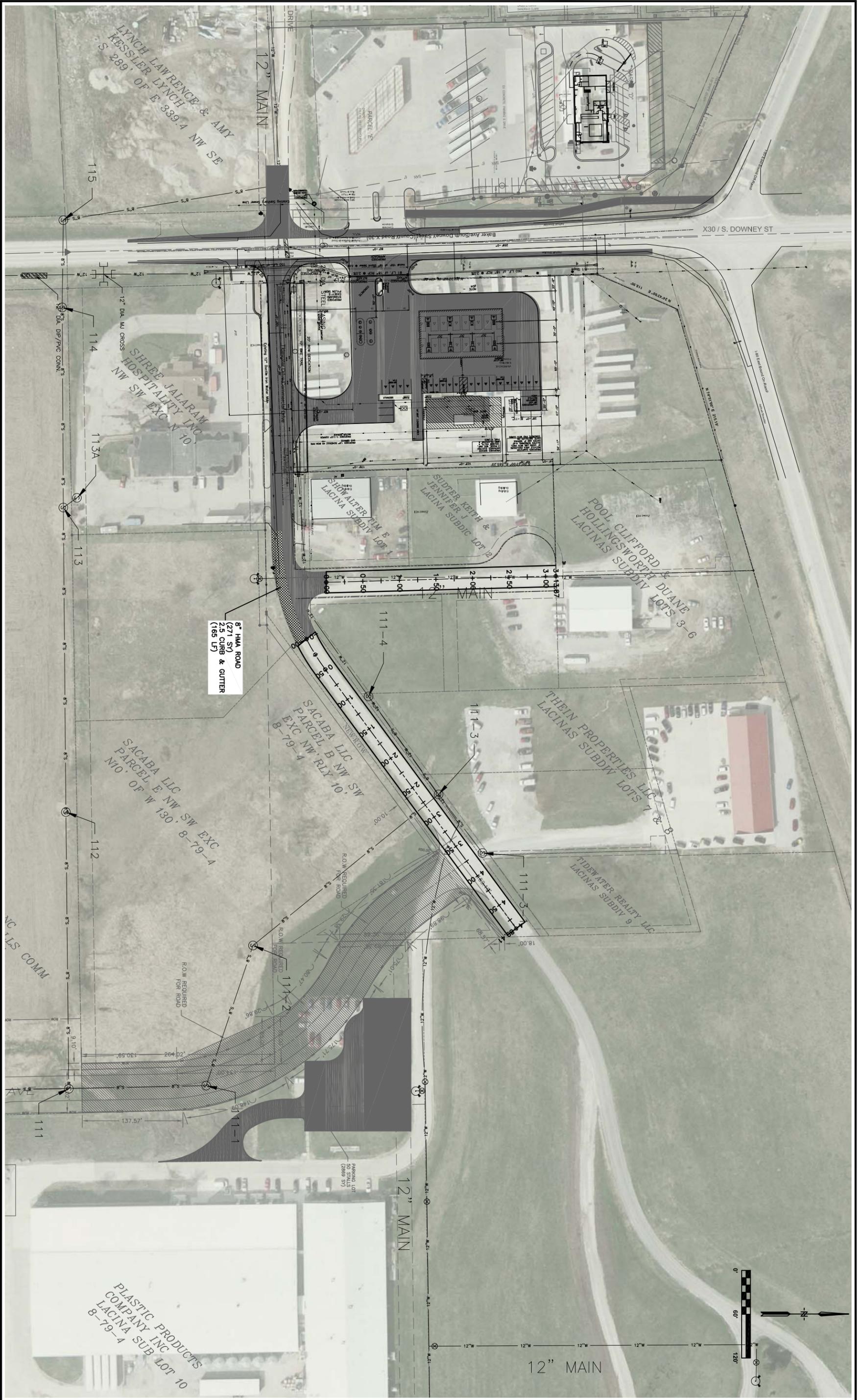
The applicant has the option of paying an annual permit fee or a multi-year permit fee.

annual permit fee	\$175
3-year permit fee	\$350
4-year permit fee	\$525
5-year permit fee	\$700

**IMPORTANT** - The storm water permit authorization will not be issued unless the two proofs of public notice and permit fee accompany the completed Notice of Intent.

**If you need assistance contact the IDNR at (515) 281-6782 or (515) 281-7017.**

DATE	REVISIONS	SCALE	AS NOTED	VERIFY SCALE
		DRAWN	EDG	BAR IS ONE INCH ON ORIGINAL DRAWING.
		CHECKED	DRS	0
		APPROVED	DRS	IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.
		DATE	10/31/13	
		ISSUED FOR	REVIEW	



**VEENSTRA & KIMM, INC.**

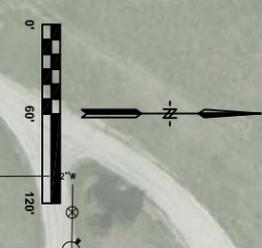
**TIDEWATER DRIVE  
WEST BRANCH, IOWA**

860 22nd Avenue • Suite 4 • Coralville, Iowa 52241-1565  
 319-456-1000 • 319-456-1008(FAX) • 888-241-8001(MVA75)

**RUMMELLS AVE  
CASEY'S TURN LANE  
MCDONALD'S SIDEWALK**

DWG. NO. 1

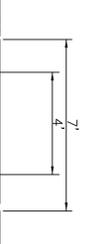
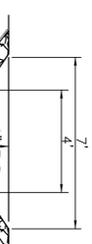
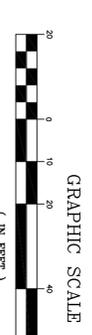
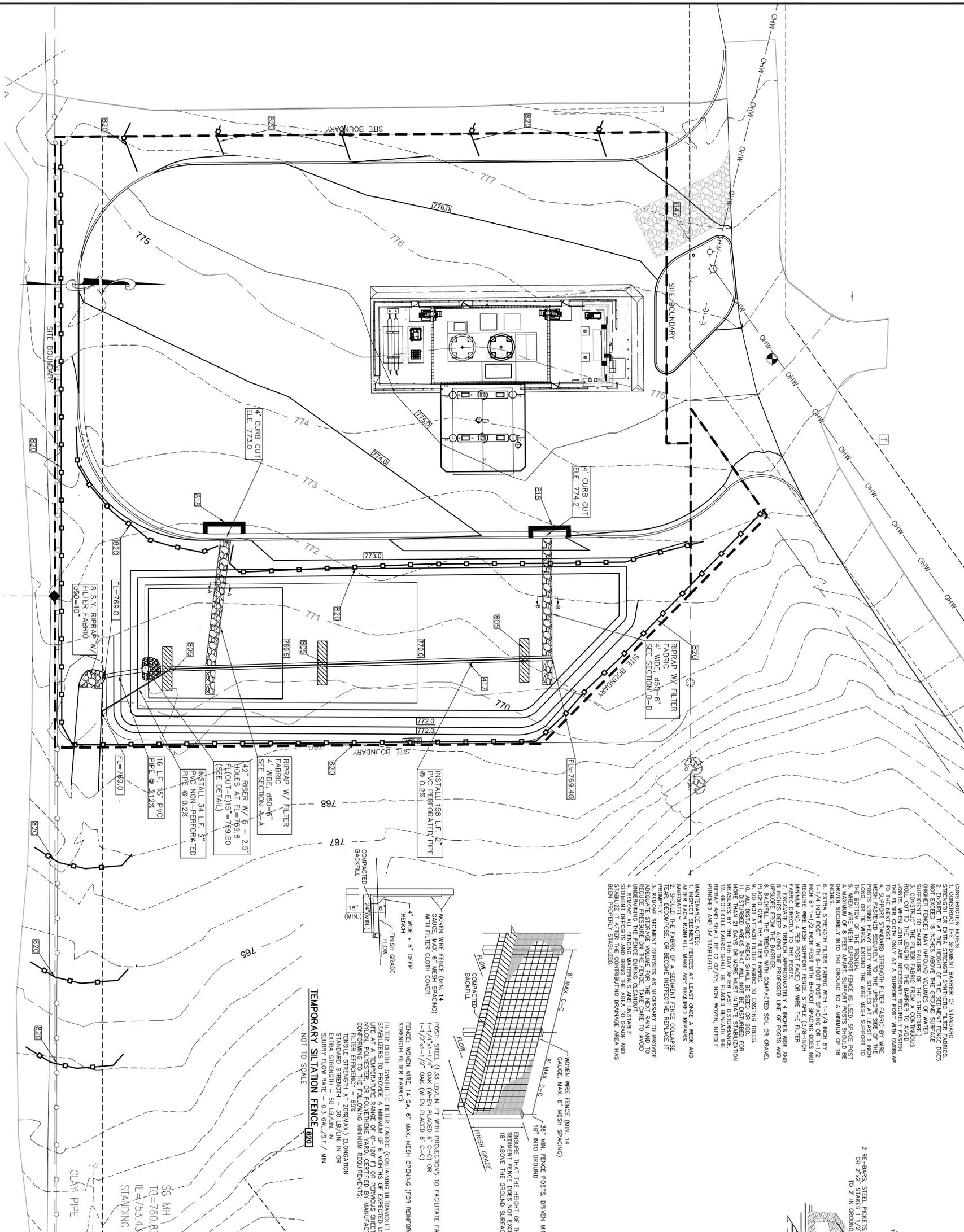
PROJECT ###



LNG Proposed Development  
 Tidewater Drive  
 Roadway Improvement (South Side)  
 West Branch, Iowa

Estimated Cost of Improvements  
 30-Oct-13

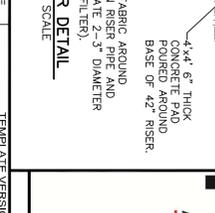
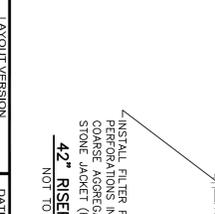
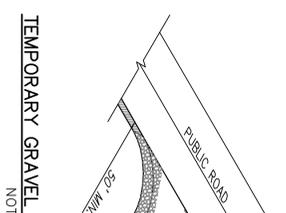
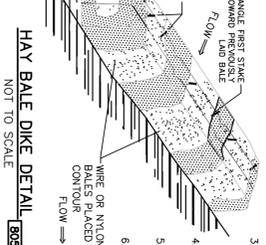
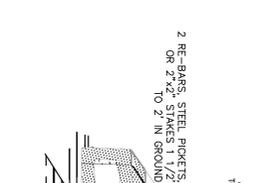
	<b>Description</b>	<b>Unit</b>	<b>Estimated Quantities</b>	<b>Unit Price</b>	<b>Extended Price</b>
1	8" PCC Pavement	SY	271	\$ 45.00	\$ 12,195.00
2	Modified Subbase	CY	35	\$ 27.00	\$ 945.00
3	Earthwork	CY	615	\$ 15.00	\$ 9,225.00
4	Subdrain, Longitudinal 4"	LF	165	\$ 5.00	\$ 825.00
5	Traffic Control	LS	1	\$ 200.00	\$ 200.00
6	Construction Staking	LS	1	\$ 500.00	\$ 500.00
7	Seeding / Erosion Control	LS	1	\$ 750.00	\$ 750.00
8	Mobilization	LS	1	\$ 1,000.00	\$ 1,000.00
				(Items 1-8)	\$ 25,640.00
				10% cont.	2,560.00
				10% Engineering	2,560.00
				<b>Total</b>	<b>\$ 30,760.00</b>



Q100=717 cfs  
 $Q=(1.486/n)(A)(R^{0.667})(S^{0.5})$   
 Use  $Q=0.39$   
 $n=0.03$   
 $A=2.03$  SF  
 $P=6.48$  FT  
 $R=A/P=2.03/6.48=0.31$   
 $V=Q/A=717/2.03=353$  fps

Q100=337 cfs  
 $Q=(1.486/n)(A)(R^{0.667})(S^{0.5})$   
 $n=0.03$   
 $A=0.77$  SF  
 $P=5.08$  FT  
 $R=A/P=0.77/5.08=0.15$   
 $V=Q/A=337/0.77=438$  fps

**CONSTRUCTION NOTES:**  
 1. CONSTRUCT THE SEDIMENT BARRIER OF STANDARD GAUGE 18 INCHES ABOVE THE GROUND SURFACE.  
 2. ENSURE THAT THE HEIGHT OF THE SEDIMENT FENCE DOES NOT EXCEED 18 INCHES ABOVE THE GROUND SURFACE.  
 3. HIGHER FENCES MAY IMPROVE VOLUMES OF WATER.  
 4. CONSTRUCT THE FILTER FABRIC FROM A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE FILTER CLOTH ONLY AT A SUPPORT POST WITH OVERLAP TO THE NEXT POST.  
 5. DO NOT ATTACH FILTER FABRIC TO EXISTING METALS.  
 6. EXTRA STRENGTH FILTER FABRIC WITH 1-1/4 INCH BY 1-1/4 INCH POSTS WITH 6-1/2\"/>



**fedlergroup**  
 Architecture & Engineering  
 2322 W. Third Street  
 Los Angeles, CA 90057  
 (213) 381-7891  
 fedlergroup.com

DATE	LAYOUT VERSION	DATE	TEMPERATURE VERSION	ZONE
08/28/13	08/28/13	08/28/13	08/28/13	SW-SS-SE

**LNG FUELING STATION VACANT LOT TIDEWATER DRIVE WEST BRANCH, IA 52358 EROSION CONTROL PLAN**

DATE: 08/28/13  
 SCALE: AS NOTED  
 SHEET: 04

APN# 05000-13-08-303-003-0  
 ASSET NO: 133-12-20253

NOT FOR CONSTRUCTION

REV	DATE	REVISIONS	JTW
1	11/25/13	REVISED PER CITY COMMENTS	JTW
0	08/28/13	ISSUED FOR CLIENT REVIEW	JTW
0			CC

**DIGALERT**  
 Know what's below. CALL 811 before you dig.  
 REDUCED PLAN  
 CAUTION: THIS DRAWING MAY BE REDUCED  
 0 1 2 3  
 3" IN ORIGINAL DRAWING

**Clean Energy**  
 4675 MACARTHUR COURT, SUITE 800 | NEWPORT BEACH, CA 92660  
 TEL: (949) 437-1000 | FAX: (949) 724-1597 | WWW.CLEANEENERGYFUELS.COM  
 COPYRIGHT, 2013 CLEAN ENERGY DESKTOPS  
 THESE DRAWINGS AND SPECIFICATIONS ARE THE EXCLUSIVE PROPERTY OF CLEAN ENERGY FUELS. THESE DRAWINGS AND SPECIFICATIONS ARE PROTECTED IN THEIR ENTIRETY BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. THE UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

November 3, 2013

West Branch City Council  
West Branch Planning and Zoning Commission

West Branch, IA 52358

RE: Lot 1, Part 1, Pedersen Valley aka 815 West Main St, West Branch



Dear Members:

I am writing today to ask you to extend the site plan approval for Lot 1, Part 1, Pedersen Valley. This lot was engineered to accept a 9 unit residential/2 unit commercial building last year.

The East Central Intergovernmental Association had solicited my participation in a Multi Family New Construction funding program. This program required a variety of changes including Davis Bacon wage reporting, fiber cement siding and other upgraded finishes and materials. I submitted this proposal as instructed February 1, 2013. I was notified by the state July 8<sup>th</sup> that this building would not be funded.

The building will have to be re bid with lesser features and finishes to work without the state grant. In order to make this work I will probably have to presell all the commercial space on the main floor and then sell the units as condominiums.

So in conclusion, I ask you to extend my existing site plan approval for another year.

Thank you,

Michael Furman

Owner

Lot1, Part 1, Pedersen Valley

**To:** Roger Laughlin, Chair - Planning and Zoning Commission

**From:** Craig Walker, Chair - Board of Adjustment

**Date:** November 25, 2013

**Subject:** Amendment Recommendations — West Branch City Code

**Background:** One of the powers of the Board of Adjustment, as outlined in the Iowa Code (City Zoning, 414.12.1), is to interpret zoning ordinances and review administrative decisions regarding those ordinances. Upon review of the definitions of a “fence” and a “structure” contained within the West Branch Code of Ordinances (165.04.37 and 165.04.42. respectively), it was our opinion, following discussion, that retaining walls may be considered a class of fence, and as such, are currently a permitted obstruction in a side yard (165.11.4.C) and subject to all the rules of 165.44 (“Fences”). Upon reflection and follow-up conversations with City Staff it was discussed that going forward all stakeholders would be best served if we were to expand our definitions in the City Code to specially reference and delineate — Fences, Screens, Hedges, and Retaining Walls. With that background, a couple of recent variance requests have highlighted the need to consider modifications to the West Branch City Code. Specifically, these include:

- 1) Incorporating language to the West Branch City Code to include a provision for the Council to review and remand back to the Board of Adjustment decisions for further study, as per Iowa Code (reference IA Code 414.7).
- 2) Amending City Code 165.04 DEFINITIONS to provide clarity / differentiation to the definitions of “Screens”, “Fences”, “Hedges”, and “Retaining Walls”.
- 3) Amending City Code Section 165.11 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS to add fences and retaining walls to the list of permitted obstructions in ALL yards. This would further correct inconsistent language regarding Fences between 165.11 and 165.44. Note 165.44 (“Fences”) currently permits fences in all yards whereas 165.11 only references fences in rear yards and side yards.
- 4) Amending 165.44 (Fences) to include specific requirements/limitations for “Retaining Walls”

**Purpose:** The purpose of the Board of Adjustment in advancing these recommendations is to add clarity and reduce ambiguity, varying interpretation, and administrative burden. We further seek to directly address the handling of “Retaining Walls” going forward. We recognize any change must be easily interpreted, fair, and procedurally/administratively capable for all concerned: West Branch property owners, city staff, and council members.

## **Iowa Code Chapter 414 City Zoning — 414.7 Board of Adjustment — Review by Council.**

The IA code provides for council review of variances granted by the Board of Adjustment. We believe this addition to the City Code would be beneficial and add an element of review that does not currently exist.

Excerpt from IA Code: (Note Second Paragraph)

### *414.7 BOARD OF ADJUSTMENT -- REVIEW BY COUNCIL.*

*The council shall provide for the appointment of a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this chapter shall provide that the said board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners.*

*The council may provide for its review of variances granted by the board of adjustment before their effective date. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.*

The Board of Adjustment recommends this provision be added under 165.22 Powers of the Board.

## **City Code 165.04 DEFINITIONS, 165.44 FENCES, and 165.11 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

We recommend the incorporation of specific definitions for “Fence”, “Screen”, “Hedges” and “Retaining Walls” in West Branch City Code 165.04 DEFINITIONS – Our suggested definitions are:

Fence — “A freestanding manmade structure extending above ground designed to define, restrict, or prevent movement across a boundary.”

Screen — “A class of fence intended to provide a visual buffer (e.g., hide utility boxes or trash containers).”

Hedge — “A row of closely planted shrubs or low-growing trees that may serve as a fence.”

Retaining Wall — “A wall not laterally supported at the top, that resists lateral soil load and other imposed loads.”

We have also noted there is a discrepancy regarding fences between 165.11 (Permitted Obstructions in Required Yards) and 165.44 (Fences) which should be resolved. Specifically, 165.44 permits fences in a front, side, or rear yard, whereas 165.11 references fences only in rear and side yards (not front yards). We recommend “fences” be added as a permitted obstruction in all yards (165.11.1) to eliminate this discrepancy (see attached Draft Ordinance).

We recommend that any new restrictions that are to be imposed upon retaining walls should be incorporated into 165.44 (Fences) and this chapter title should be amended to read “Fences/Hedges/Walls.

We believe that the concerns that have been voiced regarding retaining walls in required yards are “safety and access” oriented. If these concerns can be addressed going forward there appear to be no remaining issues to the continued inclusion of retaining walls as a permitted obstruction within all required yards. The Board is keenly aware in advancing it’s recommendation that certain “conditions” must also be attached to this recommendation that support “safety and access”.

I sought input from Fire Chief Kevin Stoolman regarding the conditions under which our volunteer fire fighters may have to work and his concerns with retaining walls. Obviously, this is an issue of concern for him; however, he does believe an acceptable solution can be found that would meet the safety and access needs of the fire department. We discussed the following:

- A limitation on retaining walls so that they do not impede access to the rear of the property. For example, a retaining wall which runs perpendicular to the home should not extend closer than 4 feet from the side lot line. This limitation would also address concerns that have been voiced that retaining walls should not be so wide as to prevent individuals from passing from their own front yard to their own backyard without trespassing on their neighbor’s property.
- The need to clearly mark that a wall is present, with the top of the wall being clearly visible, so as to avoid falling over a wall (especially in dark conditions). This could be achieved by extending the wall above ground height or including a fence along the top of the wall. We discussed if this would apply to all retaining walls, e.g. a 2 foot wall — and recognized that it may not be necessary for retaining walls with less than a 4 foot drop.

Retaining walls are often necessary for development because of the lay of the land. This is particularly true for West Branch. They are a universally accepted landscaping tool that can and should be used to prevent erosion (as in a terraced garden). By lessening steep slopes, they allow for safer more level and easier mowing and as such safer walkways. They can beautify a landscape, as in a raised flower bed, and, perhaps most importantly, they can allow for egress (as in a basement window well) in an emergency.

The specific restrictions on retaining walls we are proposing can be found in the attached Draft Ordinance Amendment.

**Next Steps**

In advance of forwarding the above recommendations to Council, The Board of Adjustment requests Planning and Zoning's endorsement of these recommendations and seeks input from Planning and Zoning, especially with regard to restrictions to be attached to retaining walls which address the safety and access issues.

Attachment

cc: BOA members  
Matt Muckler

ORDINANCE NO. 71X (DRAFT)

AN ORDINANCE AMENDING CHAPTER 165 "ZONING REGULATIONS."

WHEREAS, the Board of Adjustment of the City of West Branch, Iowa, believes that a procedure for Council review of variances would be beneficial to the Zoning Code; and

WHEREAS, the Board of Adjustment of the City of West Branch, Iowa, believes that the clarification of certain terms in the Zoning Code will lead to a clearer understanding of the Code's requirements; and

WHEREAS, the Board of Adjustment of the City of West Branch, Iowa, believes that retaining walls, that do not cause "safety or access" issues which meet certain limitations, should continue to be allowed in at least a portion of the minimum area required for yards; and

WHEREAS, the Planning & Zoning Commission has reviewed these recommendations and concurs with the Zoning Board of Adjustment; and

WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by the City Council of West Branch, Iowa by incorporating the following language to Title, "ZONING AND SUBDIVISION", Chapter 165, "ZONING REGULATIONS":

- a. Section 165.22 - POWERS OF THE BOARD is hereby amended by incorporating the following language into said Section 165.22:

Per Iowa Code 414.7: The city council may provide for its review of variances granted by the board of adjustment before their effective date. The city council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.

- b. Section 165.04 - DEFINITIONS is hereby amended by incorporating the following definition into said Section 165.04:

"Fence" means — "A freestanding manmade structure extending above ground designed to define, restrict, or prevent movement across a boundary. "

“Screen” means — “A class of fence intended to provide a visual buffer (e.g., hide utility boxes or trash containers)”

“Hedge” means — “A row of closely planted shrubs or low-growing trees that may serve as a fence.”

“Retaining Wall” means - “A wall not laterally supported at the top, that resists lateral soil load and other imposed loads”

b. Section 165.11. 1 - PERMITTED OBSTRUCTION IN REQUIRED YARDS - In all yards — is hereby amended by incorporating the following language into said Section 165.11.1:

Fences (see Section 165.44 for requirements)

Retaining Walls (see Section 165.44 for requirements specific to Retaining Walls)

c. Section 165.11.3 and Section 165.11.4 are hereby amended by deleting references to Fences.

d. Section 165.44 FENCES is hereby amended by incorporating the following language into said Section 165.44

“165.44 FENCES / HEDGES / WALLS

e. Section 165.44 FENCES / HEDGES/ WALLS in hereby amended by incorporating the following into Section 165.44. 9 —

Retaining Walls (specific requirements):

- May not extend within 4 feet of the lot line.

- If they are greater than 48” in height must also include an approved fence clearly marking the top of the wall.

- Will be subject to engineering review if they exceed 48” in height.

- Will be subject to engineering review when a Surcharge Load is present.

- Exceptions may be considered by the Board of Adjustment upon review and approval of the West Branch Fire Chief.

**Section 2. Conflicts.** All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. Adjudication.** If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

\* \* \* \* \*

Passed and approved this xth day of January, 2014.

First Reading:            January x, 2014

Second Reading:

Third Reading:

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Mark Worrell, Mayor

ATTEST:

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Matt Muckler, City Administrator/Clerk

