

**IOWA DEPARTMENT OF NATURAL RESOURCES
FIELD SERVICES AND COMPLIANCE BUREAU
FIELD OFFICE #2 - MASON CITY IOWA**

DATE: June 17, 2020

TO: The Record

FROM: Jeremy Klatt 

SUBJECT: Iowa Cage Free Construction Permit Condition (Landscaping)
Iowa Cage Free (ID#66175), Wright County

On April 28, 2020, this office received an inquiry from a neighbor of Iowa Cage Free (ICF) regarding the lack of trees planted on the west side of the property. Following the inquiry, I consulted the facility's file and found that the facility had been issued three construction permits. The first permit was issued for the initial construction in 2009. Construction permit CP-A2016-168 was issued for an expansion in 2016. This permit authorized construction of barn # 7 and associated manure storage building (see attached aerial). A third construction permit was issued in 2018 for an additional 5 confinement buildings, however, the construction did not commence within a year and the permit expired.

The CP-A2016-168 permit had a permit condition that required ICF to plant trees in accordance with their County approved plan. I consulted the plan, which indicated that three rows of trees would be planted along the south and west sides of the new buildings.

During my review, I also noted that the permit that was issued in 2018 authorized construction of a building on the west side on building #7 such that the plantings required by the 2016 permit would need to be removed. I consulted with Kelli Book, DNR legal, to determine the implication of this permit and also the implication of the fact that the authorized construction didn't occur prior to the permit expiring. Kelli indicated that because the 2018 permit expired without construction, that the landscaping plan required by the 2016 permit should be enforced.

On May 29, 2020, I informed Craig Rowles, ICF, that they would need to make the plantings on the west side of the building to comply with the 2016 permit or apply for a permit amendment. I spoke and emailed with Mr. Rowles and ICF's engineer Ivan Droessler regarding the requirement. ICF submitted a grading plan for the 2016 construction that showed no plantings on the west side of the building. They also indicated that ICF would never have intentionally submitted materials showing tree plantings on the west of building #7 because at the point of submittal, they were already planning for the future expansion. I indicated that the DNR's position is that the document that was submitted to support matrix points would have been what the County reviewed and approved, and therefore, that is what needs to be planted.

ICF requested that a meeting with DNR to discuss that the matter; this meeting occurred on June 15 and was attended by Mssrs. Rowles and Droessler from ICF and Trent Lambert, Kelli Book, and I from DNR. The facts of the case were discussed and ICF ultimately indicated that they would file for a permit amendment to have the landscaping points removed from the 2016 permit.

Picture 1. Aerial photo of building site

