



BOARD OF ADJUSTMENT TENTATIVE AGENDA

Wednesday, October 21, 2020
4:00 PM

Originating via Zoom From Story County Administration Building (900 6th Street) – Nevada, Iowa

SPECIAL NOTE TO THE PUBLIC: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, the capacity of our meeting room is significantly limited. Therefore, public access to the meeting will be provided via Zoom. **See login Instructions at bottom of this agenda.**

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF AGENDA:
4. MINUTES OF PREVIOUS MEETING(S)

Documents:

[091620 MINUTES.PDF](#)

5. APPROVAL OF FINDINGS OF FACT FROM PREVIOUS MEETING

Documents:

[CUP03 20 04 20 05 20 STORYCOMM.PDF](#)
[VAR02 20 BALBIANI.PDF](#)
[VAR01 20 FRIEND.PDF](#)
[CUP02 90 8 MARTIN MARIETTA.PDF](#)
[CUP07 18 1 INROADS.PDF](#)

6. PUBLIC COMMENTS

This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Adjustment

7. HEARINGS

- 7.I. Discussion And Consideration Of CUP07-20 Cambridge Outfall Pipe - Marcus Amman

Documents:

[STAFF REPORT.PDF](#)
[NARRATIVE.PDF](#)
[POWERPOINT.PDF](#)

8. OTHER BUSINESS

- 8.I. Election Of Vice Chair For Remainder Of 2020 Calendar Year
- 8.II. Discussion And Consideration Of A Special Meeting For November 2020 - Amelia Schoeneman

Documents:

[STAFF MEMO.PDF](#)

8.III. Discussion And Consideration Of Amendment To Rules Of Procedure - Amelia Schoeneman

Documents:

[STAFF MEMO.PDF](#)
[BOA RULES OF PROCEDURE.PDF](#)

9. BOARD/STAFF COMMENTS

10. ADJOURNMENT

11. INSTRUCTIONS TO PARTICIPATE IN ZOOM MEETINGS

Join Zoom Meeting

[https://us02web.zoom.us/j/7737180067?](https://us02web.zoom.us/j/7737180067?pwd=L3B5L2RNUzdsNjBldUtqV2R0UDdaZz09)

[pwd=L3B5L2RNUzdsNjBldUtqV2R0UDdaZz09](https://us02web.zoom.us/j/7737180067?pwd=L3B5L2RNUzdsNjBldUtqV2R0UDdaZz09)

Meeting ID: 773 718 0067

Passcode: 1DR5Wg

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- Audio recordings of all Board meetings will be posted on the [STORY COUNTY WEBSITE](#)
- **How to Participate in Meeting Discussions**
 - If you would like to watch a meeting as it happens and participate in the discussion, you can do so via Zoom (www.zoom.us). Zoom is a videoconferencing platform that works across different internet-enabled devices and standard telephones. Meetings that are being held via Zoom will have information on each agenda regarding how to access the meeting in Zoom. Each meeting is assigned a meeting ID (sometimes called a “webinar ID”) that you will need to use to access the meeting.
- **Zoom video conferencing** – You can access the meeting by either clicking the link found on the agenda, or by opening the Zoom application and entering the meeting ID number on the agenda.
 - Meeting participants will be able to watch and hear the meeting as it takes place.

- **For portions of the meeting where public input is accepted, you will need to press the “unmute” button to speak, provide your name, address and your comments. Can also press the “raise hand button” to request to speak.**
- **Zoom phone conferencing** – As an alternative to video conferencing, participants may call in to a phone conference using their touch-tone phone. Several call-in telephone numbers are provided on each meeting agenda. Unless otherwise indicated, the number is a long-distance phone number; charges may apply depending on your telephone provider.
 - Once you have dialed the telephone number provided, you will be prompted to enter the Meeting ID number (found on the agenda). During the meeting, you will be able to hear the discussion live, but will not be able to see any content.
 - **For portions of the meeting where public input is accepted, you will need to “unmute” to speak, provide your name, address and your comments. Press *6 on phone to “unmute.” Can also press *9 to “raise hand” to request to speak.**

The Board shall adjourn prior to but no later than 11:30 p.m. Any business not brought forth to the Board prior to adjournment shall be tabled to the next regularly-scheduled Board hearing.

*Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.

**For further information on these cases, contact the Story County Planning and Development Department at PZWeb@storycounty.com or by phone at (515) 382-7245. Case Files, including exact property locations, may be inspected in the Story County Planning and Development Department located in the Story County Administration Building, 900 6th Street, Nevada, Iowa.

**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087**



"Commitment, Vision, Balance"

515-382-7245

**MINUTES
STORY COUNTY
BOARD OF ADJUSTMENT**

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: September 16, 2020	Steve McGill, Chair (Zoom)	2022
	Matthew Neubauer, (Zoom)	2021
	Kelli Excell (Zoom)	2023
	Nathan Hovick (Zoom)	2024
	Elara Jondle (Zoom)	2020

CALL TO ORDER: 4:00 PM *Absent
PLACE: Zoom Meeting Originating
From Administration Building

Special Note: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, public access to the meeting was provided via conference call to listen and participate in the meeting.

PUBLIC PRESENT BY CONFERENCE CALL: Jane Weingart, Tom Kurt, Bob Ringgenberg, Greg Ervanian, RJ Bower, Brad Perkins, Michael Roth, Chad Schneider, Bill Rosener, Andrew Friend, Doug McCay, Wayne Ruble, N Keller, Ray, Michael Roth, Jordan Cook.

STAFF PRESENT: Jerry Moore, Planning and Development Director (Zoom); Amelia Schoeneman (Zoom); Marcus Amman (Zoom); Stephanie Jones (Zoom), Recording Secretary

ROLL CALL: McGill, Neubauer, Excell, Hovick, Jondle

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Jerry Moore provided an update about HF 2512 impacting Planning and Zoning Commissions and Board of Adjustments and the need to rehear items from the June 17, 2020 and July 15, 2020 Board of Adjustment meetings.

Motion by Neubauer, Second by Hovick to approve the April 15, 2020, June 17, 2020, and July 15, 2020 minutes. (MCU)
Voting Aye: Neubauer, Hovick, Jondle, Excell, McGill
Voting Nay: None
Vote: (5-0)

APPROVAL OF WRITTEN FINDINGS OF FACT

Moore provided a summary of the staff memo, which explained why action was needed on Written Findings of Fact for CUP08-17 and CUP09-17 and the change to CUP09-17 due to approval of CUP03-19.1.

Motion by Neubauer, Second by Jondle to approve Written Findings of Fact for CUP08-17 Perkins.

Voting Aye: Neubauer, Jondle, McGill, Excell, Hovick

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Excell to approve Written Findings of Fact for CUP09-17 Perkins.

Voting Aye: Neubauer, Excell, Jondle, Hovick, McGill

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Jondle to approve Written Findings of Fact for CUP03-20, CUP04-20, and CUP05-20 Story Comm.

Voting Aye: Neubauer, Jondle, Hovick, Excell, McGill

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Excell to approve Written Findings of Fact for VAR02-20 Balbiani.

Voting Aye: Neubauer, Excell, Jondle, Hovick, McGill

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Jondle to approve Written Findings of Fact for VAR01-20 Friend.

Voting Aye: Neubauer, Jondle, Hovick, Excell, McGill

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Excell to approve Written Findings of Fact for CUP02-20 Izaak Walton League.

Voting Aye: Neubauer, Excell, Jondle, Hovick, McGill

Voting Nay: None

Vote: (5-0)

Motion by Neubauer, Second by Hovick to approve Written Findings of Fact for CUP02-90.6 Martin Marietta.

Voting Aye: Neubauer, Hovick, Jondle, Excell, McGill

Voting Nay: None

Vote: (5-0)

PUBLIC COMMENTS:

Greg Ervanian asked if public comment is allowed pertaining to the vote taken on the Findings of Fact. Ervanian asked if every member of the board received a copy of the letter from his law firm pertaining to CUP09-18 and CUP08-17, the Raspberry Hill CUPs. Moore stated that staff communicated with the County Attorney's office in regard to the letter and was told that it was not something that staff was mandated to provide. The Written Findings of Fact were before the Board of Adjustment because the decision was remanded by court. There were previously not written findings of fact prepared and acted on for the cases. The court ruled that the findings of fact be prepared and the Board of Adjustment take action on them for both cases.

Ervanian stated that he understands Moore was instructed by his council, but feels that his characterization of the district court's order is incorrect. Ervanian stated that the district court annulled and vacated the CUPs and the CUPs acted on today do not exist. The CUPs the district court ordered on were appealed to the Iowa Court of Appeals and affirmed. Ervanian stated that he feels the language from the Iowa Court of Appeals makes it explicitly clear that the district court was correct, that the district court no longer retains jurisdiction over the matter, and that the CUPs are annulled and vacated. Ervanian felt that if the inclusion of the letter had been allowed, the board would have been more informed about the vote that was taken today.

HEARINGS:

CUP03-20, CUP04-20, CUP05-20 StoryComm

Amelia Schoeneman presented a summary of the Staff Report. StoryComm is proposing to erect three communications lattice towers to provide two-way radio communications for Story County emergency services and public works agencies, including Story County, municipalities in Story County and Iowa State University. The proposed towers are as follows:

CUP03-20: A 255-foot lattice communications tower to be located in the southwestern portion of parcel 05-01-100-100 in Franklin Township. The parcel is located at the southeast corner of 550th Avenue and 160th Street. The communications tower will be 400 feet from the right-of-way of 550th Avenue and approximately 474 feet from the south property line.

CUP04-20: A 285-foot lattice communications tower to be located in the southwestern portion of parcel 15-18-100-300 in Indian Creek Township. The parcel is located at the northeast corner of 620th Avenue and 305th Street. The communications tower will be 428 feet from the right-of-way of both 620th Avenue and 305th Street.

CUP05-20: A 265-foot lattice communications tower to be located in the southeastern portion of parcel 03-25-300-200 in Warren Township. The parcel is located on 150th Street. The communications tower will be 398 feet from the right-of-way of 150th Street and 133 feet from the east property line.

Schoeneman stated at the June 17, 2020 meeting these were approved. Additional comments received since the last meeting were from the landowner of CUP03-20 being open to other locations for the tower CUP03-20 and that the proposed location for the tower is best for StoryComm.

Neubauer asked for clarification on the process with readdressing the cases and how the process works. Schoeneman stated that essentially the board is rehearing the cases since there was not a quorum at the June meeting. The public hearing will need to be re-opened and action taken, with the recommendation from staff for the same action.

Andrew Friend stated that since the last meeting, he has become acquainted with the landowner and the landowner is ok with the tower being moved to the southwest corner of the field. Friend shared a proposed site plan for the tower to be moved to. Friend asked that CUP03-20 have a condition to that the tower to be moved to the location to the south that is most favorable by the landowner and both neighbors. Friend offered suggestions for amending the findings in order to approve conditions. Friend clarified that he is not asking StoryComm to move the tower very far and he understands that the timeline will be lengthened and would like the Board of Adjustment to consider the long-term tower location. The timeline and budget concerns are understandable, but short term.

Rob Bowers stated that the landowner did provide a comment about moving the tower location if it is in the best interest of everyone involved. Bowers stated that it is not in the best interest of

StoryComm, or the citizens of Story County. Bower clarified that the tower location was not originally moved in order to change the aesthetics for the other property owner, but it was actually moved because of a water way and being as close to the terraces as possible created the best use of the land. Bowers stated that moving the location would cause potentially a 4-month delay and up to \$25,000 in additional costs to the citizens of Story County.

Schoeneman stated that there would be grass landscaping around the site and there is a fence with vinyl slats for screening, which would be 6' tall. McGill asked Bower if moving the tower would affect the communications aspect of the tower. Bower stated it is not anticipated that communications would be affected, but another study would be required to ensure that it would not.

Schoeneman went through the standards of approval for a conditional use permit and staff's findings. The towers exceed the required setbacks. The FAA requires lighting for safety.

Schoeneman reminded the board that the towers are for emergency services and all three towers are important because they form a ring to work with each other to provide the radio operability that first responders need.

Neubauer asked about Mr. Friend's concern with the unsightliness of the tower and asked why that was not in the staff report. Schoeneman stated that the compatibility standard focuses on odor or noise, which could be considered offensive and interfere with the use of adjoining property. The lighting is required for safety by the FAA and does not impact staff's compatibility findings.

Excell asked if the board could ask the applicant to consider alternative lighting and if all three towers had to be approved together. Schoeneman stated that the Board could amend staff's findings.

McGill asked if Friend and Bowers have had communication since the last meeting. Bowers stated that the Board of Directors did receive an email from the Friends after the last meeting and prior to the notification of the June meeting being vacated and were under the assumption the process was done since there had been a previous vote.

Excell asked if all three towers have to be approved as a whole or if two can be approved and the second be worked out and brought back. Schoeneman stated separate action could be taken, but in terms of feasibility that would be a question for Mr. Bowers. Bowers stated that part of the estimated cost moving forward would be to do a study to determine the impact of moving the tower location and then a four-month delay for the regulatory process, which could be a potential problem for emergency responders.

McGill stated that the tower has met all of the requirements according to the law and asked the board what they would like to do.

Excell stated that if there is an option to move the tower that would preserve the value of the Friends property and the long-term financial effect for the Friends that should be considered. Hovick asked if there has been any research done as to the effect on property values. Schoeneman stated that the Assessor did not raise any. Excell asked if departments knew about the height and lighting. Schoeneman clarified that the information is routed to all county departments so they would have known the information on the height and lighting.

McGill stated it would need to be approved as presented or table the item allowing additional time for the applicant and Mr. Friend to come to an agreement.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP03-20, as submitted.

Motion by Hovick, Second by Neubauer

Voting Aye: Hovick, Neubauer, McGill Jondle

Voting Nay: Excell

Vote: (4-1)

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP04-20, as submitted.

Motion by Excell, Second by Neubauer

Voting Aye: Excell, Neubauer, Jondle, Hovick, McGill

Voting Nay: None

Vote: (5-0)

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP05-20, as submitted.

Motion by Hovick, Second by Excell

Voting Aye: Hovick, Excell, McGill, Neubauer, Jondle

Voting Nay: None

Vote (5-0)

VAR02-20 Balbiani

Schoeneman provided a brief summary. The request is for a variance to the minimum front setback for an attached garage at 27922 Timber Road. The zoning of the subject property is R-1 Transitional Residential, which establishes a minimum front setback of 40 feet. The variance request for an attached garage is proposed to encroach on the front setback, requiring a variance of 7 feet. The attached garage is proposed to have a setback of 33 feet, be 39-foot-by-26 feet, and be located on the west side of the existing dwelling. The purpose of the variance is to preserve two trees on the site. A larger garage that encroaches on the setback would allow for the overhead garage door and driveway to be located further west, away from the trees. Planning and Development staff recommend denial of the variance. Schoeneman stated the Board of Adjustment previously approved a 3' variance.

Motion by Neubauer, Second by Excell to approve the variance for 3 feet to the 40-foot setback.

Voting Aye: Neubauer, Excell, Jondle, Hovick, McGill

Voting Nay: None

Vote: (5-0)

VAR01-20 Friend

Marcus Amman provided a brief summary and stated that the request is for a variance to the minimum front setback for a nonconforming dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request is to permit the construction of an attached garage to the single-family dwelling that would encroach on the front setback requiring a variance of 20 feet from 50 feet to 30 feet. The property is located in Section 2 of Franklin Township parcel number 05-02-200-230. Planning and Development Staff is recommending approval of the variance. Due to how the home was originally built, this is the only location that would accommodate the garage.

MOTION: The Story County Board of Adjustment approves the Friend Setback variance request, as requested by the applicant and put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District.

Motion by Neubauer, Second by Hovick
Voting Aye: Neubauer, Hovick, Jondle, Excell, McGill
Voting Nay: None
Vote: (5-0)

5:10 PM McGill called a five-minute break.
Resumed meeting at 5:15 PM

CUP02-90.8 Martin Marietta

Amman presented the staff report and stated that this request is for a conditional use permit minor modification for a proposed wheel wash located at 831 East Riverside Road, Parcels 06-23-400-255 and 05-24-300-105 (now combined to parcel 05-24-300-110). The existing wheel wash system is no longer sufficient to handle the present volume of customer traffic, and an improved means of addressing track-out is desired. The existing wheel wash was installed in 2004 and is 61 feet long and 12 feet, 8 inches wide. The water and rock material from the existing system is deposited in a nearby "clean-out bunker". The proposed wheel wash is 52 feet long and 14 feet wide. The proposed system will have its water and rock material deposited into a 40,000 gallon recovery tank. The rock material that is recovered from both of these tanks will be used on internal roads or returned to the mine. There is no proposed increase to traffic in the area. The water used in the process is a completely closed loop system meaning no water is being discharged.

Don Maroney was on the call representing Martin Marietta.

Doug Kurt expressed concerns about track out and dust in the area and he has lived in the area for 25 years. Kurt asked if the current wheel wash station would stay in operation while the new one is built. Maroney explained that the existing would stay in operation while the proposed is being built, and after both will be in operation. Kurt asked if both would be in operation 12 months out of the year. Maroney explained that they will be weather permitting (temperature), and that in the winter months when the ground is hard the track out is far less. Kurt stated that it seemed like more track out happens in the winter. Maroney stated that if they need to sweep East Riverside Road they would still have that ability.

Hovick in response to Kurt's response stated that since Martin Marietta was adding additional track out prevention that the discussion was not relevant. McGill agreed.

Moore stated that Martin Marietta applied for an insignificant modification to pave shoulders on their access drive. This is another measure that they are taking to control dust and track out in the area.

Amelia Schoeneman stated that the dust control in road is part of the State of Iowa permit. Maloney stated he is not aware of that.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the addition of a new wheel wash station in addition to the existing wheel wash at the Martin Marietta Ames Mine as put forth in case CUP02-90.8, as submitted, with conditions.

- 1. Conditions 1-4 of the approved Conditional Use Permit Case No. CUP02-90 are maintained.**
- 2. The applicant shall provide the sound level reading from the property boundary of the closest dwelling on the south side of Riverside Road as well as the property boundary for the dwelling to the west owned by Plowback LLC for a base line reading when the new wheel wash is constructed and operational.**

Motion by Neubauer, Second by Hovick as submitted
Voting Aye: Neubauer, Hovick, Jondle, Excell, McGill

Voting Nay: None

Vote: (5-0)

CUP06-20 Nevada Wastewater Facility

Schoeneman presented the staff report and stated that the Wastewater Treatment Facility is for the City of Nevada and is proposed to be located on parcel 11-31-200-305, on the south side of 270th Street and west of West Indian Creek. The new facility will replace the existing facility, located at 457 S 6th Street, Nevada. The existing waste water treatment facility is approximately 60 years old. It does not have the capacity to support the population growth of the City of Nevada, the expansion of Burke Corporation or Iowa Department of Natural Resource Requirements. The applicant stated that the facility is “not readily amenable to be modified to provide additional effluent disinfection and nutrient removal requirements” and could not meet separation requirements from inhabitable buildings. The proposed facility will provide a higher level of treatment than the existing wastewater treatment facility. An interceptor sewer is proposed between the existing Wastewater Treatment Facility and the new location—a lift station and force main are proposed to pump effluent from the existing wastewater treatment facility to the proposed wastewater treatment facility, generally along Country Road S-14 (620th Avenue). The project will be completed in multiple phases with completion by November 2023. At their September 2, 2020, meeting, the Planning and Zoning Commission recommend approval of the conditional use permit with conditions.

Excell asked about the effluent being discharged in the floodplain. Hovick stated that the pipe discharges into a creek, which is in the floodplain. Moore stated that a floodplain permit would be needed for the discharge pipe. The DNR will also review. Hovick stated if the DNR or Army Corps denied that the plans would have to be changed. Moore stated that the CUP process is required first before being able to apply for a floodplain permit. Schoeneman stated that if the floodplain permitting resulted in changes in the plan that they would come back to the Board of Adjustment. McGill asked if the route of the sewer, instead of cutting across private property, could be continued in the right-of-way. Schoeneman stated that gravity is needed for the sewer and the grade at the intersection of 270th would require the pipe to be so deep that it would create maintenance issues.

Mike Roth stated that the issue identified is that at the 270th intersection, the topography begins to incline and the current depth of the pipe would get to a 40' depth, which would create challenges for long term maintenance, as well as excavation for construction. The proposed alignment was proposed going across the property with an attempt to obtain permanent easements.

Michael Crow owns property to the east of the proposed facility stated that due to heavy vehicles being on the road that he would like consideration given to paving from the facility west to S-14. Crow felt holding effluent discharge during flooding to avoid flooding properties downstream would also be a good consideration. Roth stated that paving 270th street has not been a consideration as part of this project. Discussions with the county engineer indicated that paving is not required. In regard to floodplain, there has been no consideration given to retaining effluent during a flood. The facility will still function properly during a 100-year flood event. Roth stated that discharging treated effluent into a stream or river is the only approved discharge method in the state and that an effluent discharge would not create flooding. Schoeneman stated that the Iowa DNR has certain permitting requirements based on the use classification of the stream. Roth stated that the DNR has gone through the entire state and classified every receiving stream or water body, which identifies the characteristics and usage. The city would receive a permit for discharge limits from the DNR.

Ray Ringgenberg owns the property north of the proposed facility and had several concerns consisting of: confusion with the notice received prior to the Planning and Zoning Commission meeting; the sewer pipe going across his property and the quality of his farm ground; and manhole placement every 400 feet, which will create obstacles to work around during planting and harvesting. Surveyors were also on his property.

Roth stated that he is unaware of any individuals on Mr. Ringgenberg's property and the property was not surveyed by HR Green. Roth stated that the sewer line can be routed down S-14, but it is not feasible due to the depth of the line. The alignment along S-14 is still under final design and the preliminary alignment is based on the avoidance of obstructions within the right-of-way but also maintaining required separation between existing utilities. Rural water does jog back and forth on both sides of the road and the DNR requires a separation between sewer lines and potable water. McGill asked for clarification if a study is still being done on where the sewer will be placed. Roth stated that yes, it is still being studied. Schoeneman stated that if there were large deviations they would need to come back to the Board of Adjustment. Moore stated switching from the east side to west side that would be insignificant, but changing the location of the sewer on private property would come back to the Board of Adjustment. Roth stated the DNR allows a maximum distance of 800' spacing between manholes.

Schoeneman stated that this is the preliminary alignment and easement acquisitions will be done separately. In 2021, they will be working with property owners to obtain easements.

McGill stated that he has seen the damage pipeline can do to land, and the value of the property could be impacted and granting a permit with preliminary alignment might not be enough to grant the CUP. Schoeneman stated that one option would be to place a condition to come back to the Board of Adjustment after easements are finalized.

Mike Roth stated that multiple alignment options were considered during the facility planning stage. The preferred route was actually to follow West Indian Creek down from the existing plant to the proposed treatment plant. After evaluation, it was not recommended due to a significant impact to environment and private property, maintenance issues, and costs compared to other options. The option presented tonight was the second option, which reduces these impacts. There was no feasible third option in terms of routing the pipe.

McGill stated that when the plan was originally put together it was supposed to go down S-14. He is concerned about the impact of property values. McGill felt that tabling the item for additional discussions with landowners would be appropriate.

Neubauer stated that he understands the challenges and asked how a motion would need to be structured.

Schoeneman stated there is existing case law that states a public improvement can be reviewed but should not be denied. Moore stated the Board could take action to approve with a condition that the location of the sewer be worked out with the property owner and come back to the board.

Jondle stated that she does see the concern with the trunk line sewer layout with the hill.

Excell stated that an extra month of the applicant and property owner taking some extra time for discussions that would be worth it to try to come to an agreement.

McGill stated that he would be in favor of tabling for a more definite route for the sewer, as well as agreements with the private property owner.

Moore asked if the focus for the applicant should be on the use of the right-of-way. McGill stated that discussions with the private property owner in the interim would be appropriate.

MOTION: The Story County Board of Adjustment remands the Conditional Use Permit for the City of Nevada Wastewater Treatment Facility as put forth in case CUP06-2018, back to the applicant for further review and discussion with private property owners for a sewer plan that is mutually satisfying, and directs staff to place this item on the October 21, 2020, Story County Board of Adjustment agenda.

Motion by Neubauer, Second by Excell
Voting Aye: Neubauer, Excell, Jondle, McGill,
Voting Nay: None
Absent: Hovick (Left meeting at 5:57 PM)
Vote: (4-0)

CUP07-18.1 Inroads, LLC; Mineral Extraction

Schoeneman stated the request is for a minor modification to an existing conditional use permit (07-18) for the extraction of sand and gravel. The subject property is located at 3034 560th Avenue. The mining cell is located in the southwestern 4.6 acres of the 47.24 net-acre parcel. The conditional use permit was originally approved on November 28, 2018, with conditions, including that "landscaping shall be installed by June 1, 2020, in accordance with the submitted restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security." The applicant is requesting a modification to the condition to allow the berm to be located east of the existing mining cell and to not be permanently landscaped pending approval of a future conditional use permit for the second phase of extraction, including the area east of the existing mining cell. If the second phase of extraction is not approved the berm is proposed to be permanently landscaped with nursery stock trees in the location adjacent to the mining cell. If the second phase is approved, the berm will be moved to the eastern side of the site and permanently landscaped. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped. Staff recommends approval of the conditional use permit with conditions.

MOTION: The Story County Board of Adjustment approves the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, with the following conditions:

- 1. The east berm shall be seeded with temporary seeding meeting Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual and Standards Manual or other professionally accepted design criteria.**
- 2. If phase two of extraction is approved, the east berm shall be moved to the east property line prior to the excavation of materials from the ground as part of the second phase of extraction and the berm shall be landscaped within one year of the berm's construction.**
- 3. If the conditional use permit for phase two of extraction is not approved, the east berm shall be permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell.**
- 4. The applicant shall increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000.**

Motion by Jondle, Second by Neubauer
Voting Aye: Jondle, Neubauer, Excell, McGill
Voting Nay: None
Absent: Hovick (Left meeting at 5:57 PM)
Vote: (5-0)

BOARD/STAFF COMMENTS:

Staff: Moore thanked the new members for their effort in absorbing the great deal of information that was presented. Moore plans to present an orientation for new members before the November 18, 2020 meeting. Ethan Anderson will provide training on how the Board of Adjustment is covered for liability while serving as a board member, as well as conflict of

interest information. Examples of various times where staff would need to reach out to the County Attorney for legal assistance on civil matters will also be shared.

Board: Each of the board members provided their background information for introductions.

ADJOURNMENT: 6:53 PM

Approval of Minutes

Title and Date

Nays: None
Not Voting: None
Absent: None
Vote: (5-0)

Written Findings of Fact

Case Summary: StoryComm is proposing to erect three communications lattice towers to provide two-way radio communications for Story County emergency services and public works agencies, including Story County, municipalities in Story County and Iowa State University. The proposed towers are as follows:

CUP03-20: A 255-foot lattice communications tower to be located in the southwestern portion of parcel 05-01-100-100 in Franklin Township. The parcel is located at the southeast corner of 550th Avenue and 160th Street. The communications tower will be 400 feet from the right-of-way of 550th Avenue and approximately 474 feet from the south property line or approximately 1,400 feet south of 160th.

The site and most surrounding parcels are in agricultural use. To the northwest is a dwelling over 2,000 feet from the tower site. To the west are two dwellings. One dwelling is located approximately 800 feet northwest of the tower site. The second dwelling is located approximately 600 feet southwest of the tower site.

The applicant indicated that they worked with southwestern's dwellings owner on the tower location and it has a substantial wind break providing screening—the applicant attempted to contact the northwest property owners but were unsuccessful. The northwest property owner provided a comment in opposition. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower's location on the site. However, the StoryComm working group discussed this and found it wasn't feasible as the site was selected to meet setback requirements and minimize impact to property owner's farming operation.

CUP04-20: A 285-foot lattice communications tower to be located in the southwestern portion of parcel 15-18-100-300 in Indian Creek Township. The parcel is located at the northeast corner of 620th Avenue and 305th Street. The communications tower will be 428 feet from the right-of-way of both 620th Avenue and 305th Street.

The site and most surrounding parcels are in agricultural use. There are three adjacent dwellings. One is 1,200 feet southwest from the proposed site location. One is 900 feet southeast from the tower location. To the west there is a dwelling approximately 700 feet away.

CUP05-20: A 265-foot lattice communications tower to be located in the southeastern portion of parcel 03-25-300-200 in Warren Township. The parcel is located on 150th Street. The communications tower will be 398 feet from the right-of-way of 150th Street and 133 feet from the east property line.

There are two adjacent dwellings. Other adjacent parcels are in agricultural use. To the north is a single-family dwelling is approximately 1,200 feet northwest from the proposed tower location. To the west is a parcel with a dwelling approximately 2,100 feet from the proposed tower site. The owner of the property to the north submitted a comment in opposition to the tower. StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

The Planning and Zoning Commission, at their June 16, 2020, meeting, found the proposed towers meet all standards of approval and supplemental standards required for a conditional use permit and recommended approval of the requests.

Amelia Schoeneman, Story County Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Schoeneman presented the staff report at the June 17, 2020, Story County Board of Adjustment meeting.

Analysis

1. Applicable Regulations: Chapter 90.04: Standards for Approval

- A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.**

Staff Comment: Communication towers and facilities are permitted as a conditional use in the A-1, Agricultural Zoning District if a conditional use permit is granted. The properties on which the towers are proposed to be constructed are large agricultural parcels. A majority of the surrounding land is also in agricultural row crop production.

These towers will be noticed by the nearby landowners due to the heights necessary to achieve the project goals. Required setbacks from property lines will be met to minimize impacts.

The tower requested as part of CUP03-20 is on a parcel adjacent to three dwellings. One is 800 feet northwest of the tower site, one is 600 feet southwest of the tower site, and one is over 2,000 feet from the tower site.

The tower requested as part of CUP04-20 is also on a property adjacent to three dwellings. One is 930 feet southeast from the proposed site location. The other dwelling is 700 feet southwest from the tower location.

The tower requested as part of CUP05-20 is on a property adjacent to two dwellings. One is approximately 1,200 feet northwest from the proposed tower location, one is approximately 930 feet southeast from the proposed tower location, and one is 2,100 feet west of the proposed tower site.

The tower compounds also include 20-foot-by-10-foot equipment shelter, an underground 1,000 gallon liquid propane tank, and an emergency generator inside of a metal cabinet for sound attenuation. The generator would produce a sound level of 64 dB. The FAA requires all three towers to be lit as a condition of the FAA Determination of No Hazard to Air Navigation. The towers will have dual lighting controlled by a photo sensor—from dusk to dawn, a top beacon will have a red, flashing light, with steady red side markers. During the day, the top because will flash white and the side markers will also be lit. The tower will be galvanized steel, as required by the supplemental standards for towers. The equipment shelter will also have lighting to illuminate the door—two fixtures with 40 watt LED bulbs are proposed and will be shielded.

- B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.**

Staff Comment: The tower locations meet all setbacks and separation distance requirements as per the supplemental standards for a conditional use permit for communication towers and facilities.

The minimum setback requirement for the towers is 150 percent of the tower height from the road right-of-way and residential parcels and 50 percent of the tower height from other property lines.

The tower requested as part of CUP03-20 is proposed to be 255 feet in height. The 150-percent setback is 382.5 feet and the 50-percent setback is 127.5 feet. The setback from the closest property line (the west line adjacent to 550th Avenue) is 400 feet.

The tower requested as part of CUP04-20 is proposed to be 285 feet in height. The 150-percent setback is 427.5 feet and the 50-percent setback is 142.5 feet. The setback from the closest property lines (the west and south lines adjacent to 620th Avenue and 305th Street) is 428 feet.

The tower requested as part of CUP05-20 is proposed to be 265 feet in height. The 150-percent setback is 397.5 feet and the 50-percent setback is 132.5 feet. The setback from the closest property lines (south line adjacent to 150th Street and the east line in common with a property in agricultural production) are 398 feet and 133 feet, respectively.

Also, per the supplemental standards, the applicant will be constructing a six-foot-tall chain-link fence around the tower compound with vinyl privacy slats.

C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Staff Comment: The traffic impact of the proposed towers is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site is a service technician four times a year.

All towers will have new accesses reviewed by the Story County Engineer. The access drives to the towers will be 12-feet wide and gravel. In front of the tower compound, there will be a 25-foot-50-foot gravel parking area and turnaround area.

All accesses to the towers will be located on County gravel roads.

The tower requested as part of CUP03-20 will have an access from 550th. The Iowa Department of Transportation (DOT) shows a 2015 average daily traffic count for the road of 130 vehicles.

The tower requested as part of CUP04-20 will have an access from 305th. The Iowa DOT shows a 2015 average daily traffic count for the road of 100 vehicles.

The tower requested as part of CUP05-20 will have an access from 150th. The Iowa DOT shows a 2015 average daily traffic count for the road of 10 vehicles. The adjacent dwellings to this tower site take access on 670th Avenue north of 150th Street.

D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Staff Comment: Each tower will have a 25-foot-by-50-foot gravel parking area and turnaround area adjacent to the tower compound. The subject properties are currently in row crop production.

E. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Staff Comment: The only signs and lighting that will be included in this development are signs and lighting required by the FAA posted on the compound fence. No advertising of any kind will be located at this development.

The FAA is requiring all three towers to be lit as a condition of the FAA Determination of No Hazard to Air Navigation. The towers will have dual lighting controlled by a photo sensor—from dusk to dawn, a top beacon will have a red, flashing light, with steady red side markers. During the day, the top because will flash white and white side markers will also be lit. The tower will be galvanized steel, as required by the supplemental standards for towers. The equipment shelter will also have lighting to illuminate the door—two fixtures with 40 watt LED bulbs are proposed and will be shielded.

F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated.

Landscaping equivalent to 20% of the impervious area is proposed around the drive and compound to provide stormwater absorption, as required by Chapter 88.05 of the Story County Land Development Regulations. SUDAS Type 2 or Type 3 seed mixes are proposed, which would include Ryegrass or Little and Big Bluestem and other grasses. These can grow between two and six feet.

An erosion control plan is required with the zoning permit submittal to minimize erosion during construction, including stabilizing any disturbed area and providing a stabilized construction entrance.

A metal cabinet for sound attenuation proposed for the generator.

If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The towers will be built in compliance with the required setbacks from the right-of-way and adjacent property lines. The towers will be partially screened by a six foot fence. The lowest 8 feet of the towers will also have its rungs removed to discourage climbing.

- 2. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The proposed communication towers will be a lattice type towers and will have little to no impact on the supply of light and air to surrounding properties.

- 3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: Following the construction of the proposed towers, there will be very little traffic to and from the tower. Traffic will be for maintenance only. The applicant will be required to obtain a new access permit and a 911 address for the proposed towers. The towers are not proposed to be located in the floodplain.

- 4. diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with the request. No impacts on property values are anticipated.

- 5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land. The communication towers will be located on agricultural land and a small percentage of row crop will be impacted. The remainder of the parcels will continue to be farmed. Approximately 1.2 acres of land will be leased by StoryComm on the parcels—equivalent to 4.5% of the smallest parcel's land area.

D. When indicated in Table 90-1, Table of Conditional Uses, a conditional use shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in Section 90.04 and development impacts specified in Section 90.05 of this chapter.

Co-Location. Prior to applying for a conditional use permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

Staff Comment: A statement regarding the feasibility of collocating the proposed equipment on an existing tower was provided and a map showing the search rings for a tower within one mile of the selected sites that would support co-location was also submitted. The applicant indicates that “towers greater than 1 mile would require a total redesign of the system and would likely result in a loss of coverage” if equipment were co-located on them instead. There were no towers within the one mile search rings from the selected sites. Further, “the system is designed to provide specific in-building coverage within Story County, Ames and ISU campus and therefore the site locations are critical in providing the proper signal level while minimizing co-site interference, minimizing the number of sites and providing an unobstructed microwave path between site”

Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal’s requirements, as documented by a qualified engineer.

Staff Comment: According to the applicant, “The Harris Corp. Private Radio Systems software program, RAPTR (Radio Analysis and Propagation Tool Repository) is a complete system design tool for the analysis and design of land mobile radio systems. The RACOM engineers use RAPTR to design the optimum location and minimum tower and antenna heights necessary to meet the coverage requirements for StoryComm’s radio system.”

Obstruction of View. The proposed tower/facility will not unreasonably interfere with the view from any publicly owned or managed areas or major view corridors.

Staff Comment: There are no adjacent publicly owned areas to the subject properties. A majority of the adjacent parcels are in agricultural use.

Submittal Requirement: A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in the Ordinance.

Staff Comment: According to the applicant. “The tower is designed with 30% additional capacity and there will be additional room inside the compound. The StoryComm Board will consider applications for co-location on a case-by-case basis.”

Submittal Requirement: Copy of the signed lease agreement with the property owner.

Staff Comment: A copy of the signed leases and access easements were provided. The access easements are 30 feet in width for the 12-foot gravel drives. The leases include the 30-foot access easement areas and a 200-foot-by-200 foot area, which includes the 50-foot-by-50-foot tower compound

Comments from the General Public

Two comments were received from adjacent property owners in opposition to the towers requested as part of CUP03-20 and CUP05-20.

The owner of the property west of the tower proposed as part of CUP03-20 is concerned about the impact of the tower on their dwelling’s value and view (the tower is 800 feet southeast of the dwelling). The applicant attempted to contact the property owner but was unsuccessful prior to selecting the location. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower’s location on the site. However, the working group discussed this and found it wasn’t feasible as the site was selected to meet setback requirements and minimize impact to the farming operation.

The owner of the property to the north of the tower proposed as part of CUP05-20 is concerned about the impact of the tower on the value of their dwelling (1,200 feet northwest of the tower location). StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. Moving the tower further east, as suggested by the property owner,

would require another landowner's permission/interest in leasing space to StoryComm. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

Points considered

1. The communications towers will provide to provide two-way radio communications for Story County emergency services and public works agencies. The StoryComm system is designed to meet the Association of Public Safety Communications Officials Project 25 Phase 2 standards, which will replace proprietary radio technology that limited the interoperability of radio. Currently, the Iowa State University Police, Ames Police, and Story County Sheriff have interoperable radios but they are not interoperable with the other entities that are part of the StoryComm project.
2. The tower requested as part of CUP03-20 is on a parcel adjacent to three dwellings. One is 800 feet northwest of the tower site, one is 600 feet southwest of the tower site, and one is over 2,000 feet from the tower site. This location was selected to minimize the interference with the line of site from dwellings located to the west of the tower across 550th Avenue.
3. The tower requested as part of CUP04-20 is on a property adjacent to three dwellings. One is 1,200 feet southwest from the proposed site location. One is 700 feet west of the tower location. The other dwelling is 930 feet southeast from the tower location.
4. The tower requested as part of CUP05-20 is on a property adjacent to two dwellings. One is approximately 1,200 feet northwest from the proposed tower location and one is 2,100 feet west of the proposed tower site. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.
5. All supplemental standards for communications towers are met, including for setbacks and aesthetics.
6. Signs, lighting, and environmental protection measures will meet Story County Land Development Regulations and FAA requirements.
7. Traffic will be limited to maintenance and adequate parking and turnaround area are provided.
8. SUDAS Type 2 or Type 3 seed mixes are proposed around the compound and gravel drive, which would include Ryegrass or Little and Big Bluestem and other grasses. These can grow between three and six feet. A fence with vinyl slates is also proposed for screening. Climbing pegs on the lower eight feet of the tower will be removed.
9. A small percentage of row crop will be impacted. The remainder of the parcels will continue to be farmed. Approximately 1.2 acres of land will be leased by StoryComm on the parcels—equivalent to 4.5% of the smallest parcel's land area.

Public Hearing June 17, 2020

The request was previously heard at the June 17, 2020, meeting.

Andrew Friend stated that he lives NW of the proposed 255-foot lattice communications tower location and feels disadvantaged in the process as the tower being moved for the other neighbor that it made the tower location worse for him. Friend stated that the house view will be looking directly at the tower. Friend stated that he would like to request another meeting between himself and StoryComm and Planning staff to find out if there is a better location for the proposed tower to discuss the inconvenience of the tower location to try to find balance so that both property owners can be satisfied.

Schoeneman stated regarding Friend's concern (CUP03-20), the farmer wanted the tower to be able to farm around the compound area and that there are two terraces that are being considered as well, which make it difficult to move north or south. StoryComm had concerns about moving the location east, which would impact the improvement and the timing of the project. Bowers spoke about the temporary system that is currently being used and will end at the end of June.

Tom Hackett stated that he had conversations with the land owner regarding north or south movement of the proposed tower on the property and they were reluctant. Movement to the east would pose challenges for StoryComm during construction and the long-run with a longer access drive, and more maintenance, water drainage issues. Hackett stated that all factors have been considered and decided the current location met the long term goals for StoryComm and the land owner's preferences.

Neubauer asked for clarification on what guidelines would need to be followed in order to place a condition on CUP03-20. Schoeneman stated the Board would need to amend staff's findings and relate the condition to one or more of the standards for approval. Neubauer asked if the Assessor had any comments about impact on property value. Schoeneman stated there were no comments about impact on property values, but that the Assessor comments that the towers would be exempt as long as there are no for-profit leasing to other providers taking place. McGill stated that if the tower meets all the requirements there is really not a way to not approve the request.

Public Hearing Comments from September 16, 2020

A rehearing of the item was on the September 16, 2020 agenda. HF 2512 was signed by the Governor on June 1, 2020, and requires Planning and Zoning Commission and Board of Adjustment members to be eligible electors and reside within the area regulated by the County Zoning Ordinance (unincorporated area). As the law went into effect immediately, prior to the June meeting of the Board of Adjustment, staff contacted Board members who did not reside in the unincorporated area of Story County to let them know that they could no longer serve on the Board of Adjustment. Due to a recent annexation, staff did not realize Board Member Randy Brekke, who had served on the Board since 2016, no longer resided in the unincorporated area. When this came to staff's attention in August, staff contacted the County Attorney, Ethan Anderson, to determine how the cases heard by the Board including Brekke in June and July were impacted. Anderson advised that the cases be reheard by the Board.

Schoeneman stated at the June 17, 2020 meeting these were approved. Additional comments received since the last meeting were from the landowner of CUP03-20 being open to other locations for the tower CUP03-20 and that the proposed location for the tower is best for StoryComm.

Neubauer asked for clarification on the process with readdressing the cases and how the process works. Schoeneman stated that essentially the board is rehearing the cases since there was not a quorum at the June meeting. The public hearing will need to be re-opened and action taken, with the recommendation from staff for the same action.

Andrew Friend stated that since the last meeting, he has become acquainted with the landowner and the landowner is ok with the tower being moved to the southwest corner of the field. Friend shared a proposed site plan for the tower to be moved to. Friend asked that CUP03-20 have a condition to that the tower to be moved to the location to the south that is most favorable by the landowner and both neighbors. Friend offered suggestions for amending the findings in order to approve conditions. Friend clarified that he is not asking StoryComm to move the tower very far and he understands that the timeline will be lengthened and would like the Board of Adjustment to consider the long-term tower location. The timeline and budget concerns are understandable, but short term.

Rob Bowers stated that the landowner did provide a comment about moving the tower location if it is in the best interest of everyone involved. Bowers stated that it is not in the best interest of StoryComm, or the citizens of Story County. Bower clarified that the tower location was not originally moved in order to change the aesthetics for the other property owner, but it was actually moved because of a water way and being as close to the terraces as possible created the best use of the land. Bowers stated that moving the location would cause potentially a 4-month delay and up to \$25,000 in additional costs to the citizens of Story County.

Schoeneman stated that there would be grass landscaping around the site and there is a fence with vinyl slats for screening, which would be 6' tall. McGill asked Bower if moving the tower would affect the communications aspect of the tower. Bower stated it is not anticipated that communications would be affected, but another study would be required to ensure that it would not.

Schoeneman went through the standards of approval for a conditional use permit and staff's findings. The towers exceed the required setbacks. The FAA requires lighting for safety.

Schoeneman reminded the board that the towers are for emergency services and all three towers are important because they form a ring to work with each other to provide the radio operability that first responders need.

Neubauer asked about Mr. Friend's concern with the unsightliness of the tower and asked why that was not in the staff report. Schoeneman stated that the compatibility standard focuses on odor or noise, which could be considered offensive and interfere with the use of adjoining property. The lighting is required for safety by the FAA and does not impact staff's compatibility findings.

Excell asked if the board could ask the applicant to consider an alternative to the lighting and if all three towers have to be approved together. Schoeneman stated that the Board could amend staff's findings.

McGill asked if Friend and Bowers have had communication since the last meeting. Bowers stated that the Board of Directors did receive an email from the Friends after the last meeting and prior to the notification of the June meeting being vacated and were under the assumption the process was done since there had been a previous vote.

Excell asked if all three towers have to be approved as a whole or if two can be approved and the second be worked out and brought back. Schoeneman stated separate action could be taken, but in terms of feasibility that would be a question for Mr. Bowers. Bowers stated that part of the estimated cost moving forward would be to do a study to determine the impact of moving the tower location and then a four-month delay for the regulatory process, which could be a potential problem for emergency responders.

McGill stated that the tower has met all of the requirements according to the law and asked the board what they would like to do.

Excell stated that if there is an option to move the tower that would preserve the value of the Friends property and the long-term financial effect for the Friends that should be considered. Hovick asked if there has been any research done as to the effect on property values. Schoeneman stated that the Assessor did not raise any. Excell asked if departments knew about the height and lighting. Schoeneman clarified that the information is routed to all county departments so they would have known the information on the height and lighting.

McGill stated it would need to be approved as presented or table the item allowing additional time for the applicant and Mr. Friend to come to an agreement.

Board of Adjustment Action on Written Findings of Fact

Date: October 21, 2020

VOTE: Ayes Nays

Excell

McGill

Neubauer

Hovick

Jondle

Vote:

Chair: _____

Prepared by Amelia Schoeneman, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
VARIANCE AND WRITTEN FINDINGS OF FACT
AMENDING THE PREVIOUSLY RECORDED FINDINGS OF FACT INST. NO. _____**

IN THE MATTER OF THE APPLICATION OF: : **CASE NO. VAR02-20**
:
ERIC AND JUDITH BALBIANI, for the property :
located at 27922 TIMBER ROAD, KELLEY, IA :
and described as SECTION: 34 TOWNSHIP: 83 :
RANGE: 24 LOWMAN'S 2ND SD PARCEL "D" PT :
LOT 8 SLIDE 284 PG 3 (Parcel ID Number 09-34- :
460-110), under the ownership of ERIC AND :
JUDITH BALBIANI :

On September 16, 2020, the Story County Board of Adjustment approved Variance Case No. VAR02-20, for 3 feet to the 40-foot setback.

VOTE: Ayes: Neubauer, Excell, Jondle, Hovick, McGill
Nays: None
Absent: None
Vote: (5-0)

Written Findings of Fact

Case Summary: The request is for a variance to the minimum front setback for an attached garage at 27922 Timber Road. The zoning of the subject property is R-1 Transitional Residential, which establishes a minimum front setback of 40 feet. The variance request for an attached garage that is proposed to encroach on the front setback, requiring a variance of 7 feet. The attached garage is proposed to have a setback of 33 feet, be 39-feet-by-26 feet, and be located on the west side of the existing dwelling. The purpose of the variance is to preserve two trees on the site. A larger garage that encroaches on the setback would allow for the overhead garage door and driveway to be located further west, away from the trees.

Amelia Schoeneman, Story County Planner, and Emily Rizvic, Planning Intern, presented the staff report and reviewed the Variance Application, site plans, written narrative, and staff's recommended findings in accordance to Chapter 92.03 Variances of the Story County Land Development Regulations.

Analysis of Legal Principles

A. Finding of unnecessary hardship

i. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;

Staff Comment: The principle of reasonable return asks the Board to consider if, without a variance, a property owner cannot establish any beneficial use on their property.

The variance is being requested to protect two trees on the property by allowing the garage door and driveway to be located further west. The applicant indicates that if the trees were removed, "new trees could be planted but would not provide the energy conservation that the current trees do. These trees are beautiful in the fall and everyone feels this adds value to the property. The new trees would take 15 to 20 years to provide the cooling benefit that the existing trees do, plus the removal of the trees would reduce the character and value of the property. We estimate that the value loss of the trees to be \$10 - 15,000, and the cost to remove them will be \$5 - 7, 000.00."

However, staff finds that as the alternative exists to remove the trees and construct a smaller attached garage addition, meeting the setback and applicant's needs, reasonable return is established without the variance. If the trees were impacted, the garage addition and interior improvements could occur while meeting setbacks. A smaller garage addition, 32 feet-by-26-feet, would meet the applicant's needs to have garage space that allows for adequate parking of the two vehicles, entry to, and exit from the vehicles and would meet the required setback. This smaller garage would still be 832 square feet (excluding the workshop) and is 57% larger than the existing garage. Further, a smaller garage that meets setback would not prohibit the conversion of the existing attached garage into living space. A smaller garage is not the preferred alternative due to the impact on the two trees.

Further, reasonable return is established on the property as there is an existing dwelling, built in 1960, with a 530 square-foot attached garage, that meets the required setbacks. The property owners purchased the property in its current configuration in 2007.

Board Action: The Board found keeping the cost of removing the trees and cost of replacing the trees did not allow for reasonable return. Further, trees add value to the property and their removal would impact the property value.

ii. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and

Staff Comment: The principle regarding unique circumstances asks the Board to consider if topography or other limiting factors, outside of the property owner's control, create the need for the variance request.

There are unique circumstances requiring the attached garage to be located on the west side of the dwelling and the overhead garage door to be located on the south side of the garage:

- The septic system and water lines are located on the north side of the home.
- The house is already located at the minimum 35-foot rear setback from the east property line. Any garage on this side of the dwelling would require a variance for the entire structure. Additionally, the bedrooms are located on the east side of the home and the location of a garage on the east side would not be a logical or desirable flow for the living space versus a location on the west side with garage access through the mudroom and laundry area.
- The applicant indicates that "Aesthetically, placing a garage south of the house impedes the view for which they bought the house, and erodes the character of the home and its value would likely be impacted as well."

As an attached garage would most logically be placed on the west side of the property given these circumstances, the relocation of the driveway so that the entry to the garage was on the west side of the garage, rather than the south, was considered as an alternative to protect the trees. However, it was not possible due to a curve in Timber Road north of the property that creates sight distance issues. The applicant also indicates a lack of maneuverability if a west-facing garage door was proposed with the existing drive location.

The Board must determine if the location of the two trees can be considered a unique circumstance requiring a variance. Again, an attached garage with a south-facing door is proposed. The garage could function if it were 32 feet in width and would meet setbacks but would impact the two existing trees. A width of 39 feet would allow the overhead door and driveway to be located further west away from the trees but would encroach seven feet on the required 40-foot front setback.

In 2002, a similar variance was requested for an adjacent property to the west across Timber Road to reduce the side setback for a detached garage to protect two trees. The Board concluded the trees were not a unique circumstance and remanded the variance for the applicant to redesign the garage to meet setbacks. The garage was constructed meeting the setback in this case. Staff concludes that the trees are not a unique circumstance meeting this criterion.

Board Action: The Board agreed with staff's findings on the unique circumstances requiring the garage to be located on the west side of the dwelling and have a south-facing overhead door. They also found that the age of the house was a unique circumstance when considering the general condition of the neighborhood.

iii. The use to be authorized by the variance will not alter the essential character of the locality.

Staff Comment: The average attached garage size of adjacent dwellings is 675 square feet and sizes range from having no attached or detached garage to a 1,500 square foot garage. The second-largest existing attached garage on an adjacent property is 843 square feet. The proposed garage is 1,014 square feet, excluding the workshop area. The neighborhood is a combination of older subdivisions with similar-sized dwellings and garages, houses in new subdivisions with larger garage sizes, and farmsteads with large accessory structures. The proposed garage would maintain the existing roofline and height of the home. The essential character of the locality would not be altered.

Board Action: None—the Board accepted staff's findings.

B. Granting the variance will not be contrary to the public interest; and

Staff Comment: Following the Story County Land Development Regulations, the public interest in enforcing the bulk requirements associated with an R-1, Transitional Residential District is "to provide a district for single-family detached dwellings between a rural and urban density" (see section 86.07(1)). Similarly, the property is designated as Rural Residential in the Ames Urban Fringe Plan. The public interest in enforcing the policies and principles related to the Rural Residential Area relates to the policy that the designation "includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acres" and to protect the rural character of the area "through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas." The variance will not change the density of the property. However, because the property is zoned R-1, it already has a smaller setback permitted than that of other adjacent properties that are zoned A-R or A-1, where a 50-foot front setback applies. Allowing an even more reduced front setback may set a precedent for the area that could affect the buffering between properties and character.

The public interest in enforcing the bulk requirements in the Story County Land Development Regulations and setbacks relates to building separation and uniform location, providing light and air between buildings, separation from roadways for inhabitant and motorist safety as well as access to utilities and the right-of-way. Timber Road is a gravel, County Road with an average daily traffic (ADT) count of 130. The level of traffic on the roadway or how the property owner's access the road will not change with the variance request. The height of the dwelling will be maintained.

Board Action: The Board found that no members of the public provided comments in opposition and the applicant had stated that the closest neighbor was in support.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Staff Comment: The Story County Comprehensive Plan and the Story County Land Development Regulations have similar spirits/intents to maintain the county's rural character.

The Statement of Intent for the R-1 Transitional Residential Zoning District is: "The R-1 Transitional Residential District is designed to provide a district for single-family detached dwellings between a rural and urban density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the Cornerstone to Capstone (C2C) Comprehensive Plan."

Similarly, the property is designated as Rural Residential in the Ames Urban Fringe Plan, which "includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre."

The proposed garage will not allow for denser residential development.

However, because the property is zoned R-1 Transitional Residential, it already has a smaller setback permitted than that of other adjacent properties that are zoned A-R or A-1, where a 50-foot front setback applies. Allowing an even more reduced front setback may set a precedent for the area that could alter the buffering between properties and character.

Board Action: The Board found that a reduced variance of three feet would not be noticeable and impact the intent of the Story County Development Plan and Story County Land Development Regulations.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the variance request on July 9, 2020. No comments were received.

Public Hearing July 15, 2020

The request was previously heard at the July 15, 2020, meeting.

Brekke asked when the house was built and if there were restrictions at that time. Schoeneman stated the house was built in 1960 and current setbacks are met, it's the 39' addition that would not meet setbacks, but that a 32' addition would meet setbacks. Brekke stated that it appeared the proposed variance would be 6' on south end of the addition and 7' on north due to the angle of the property line. Schoeneman stated that the applicant located the property pins and was able to measure on the site rather than using an aerial image. Brekke asked if a variance could be approved for a different amount. Schoeneman stated that would be possible, but the findings would need amended to state why that would meet the findings. Schoeneman stated that by removing the trees the setbacks could be met. McGill asked for clarification on if building a smaller garage, the setbacks would be met. Schoeneman stated that was correct and a plan showing a smaller attached garage was submitted by the applicant that does meet setbacks.

Chaden Halfhill spoke representing the applicant and stated that he is the designer and contractor. Halfhill stated that the existing detached garage is in the north quadrant and using it as a parking garage is not an option because of the septic lateral fields. Halfhill stated that an attempt was made to keep the west-facing door on the addition, but maneuverability was not possible, so the door was moved to the south side of the proposed attached garage. Halfhill said the property owner adjacent to the property has verbally stated they are ok with the proposed request. Halfhill stated that the applicant does not want to damage the tree because it offers a great deal of shade reducing operating costs. Halfhill stated that he liked the suggestion from Brekke to allow a 2' or 3' variance which would be doable for the applicant.

Neubauer asked for clarification of the concept plan for 32' addition with door to the west and if the navigation of the driveway would be an issue. A new culvert was initially considered, but

because of a curve on Timber road they cannot have an access point there. Entering the original driveway with a turn to come into the proposed garage was too difficult to maneuver. That is the reason the door was changed to the south side of the proposed attached garage which then made the existing house and trees an issue for maneuverability.

McGill asked if the old garage area would be converted into living space. Halfhill stated that is correct.

Brekke asked if the trees in the drawing are fairly close to scale on the site plan. Halfhill stated that one tree is larger and he may have reversed which tree is which in the drawing.

McGill asked if this item would need to be tabled or if it could be addressed tonight if an option was given that Halfhill agreed to. Jerry Moore stated that the legal principals would need to be met if a deviation would be made from what staff recommended. Moore asked how it would be known that the trees with their root systems would not be affected. Halfhill stated that if there are roots that go across the footing, it would need to be protected during construction so that the root ball doesn't get compacted with construction traffic. The distance is about 4' from the tree to where the footing would be located and that the roots would be cut cleanly which has been done successfully in the past. Schoeneman stated that the location of the southern footing would still be the same distance from the tree if a variance is granted.

McGill asked if it would be possible to move the 32' concept plan further north. Halfhill stated there is a water line in the area, but it might be doable. McGill stated he is concerned about the legal principals, although there are options if it were to be brought back and agrees that trees do add value to properties.

Moore asked Halfhill to comment on the tree that had already been removed. Halfhill stated that a tree was previously removed that was in the direct way of where the garage was planned to be built, and also that it was dying, but he does not know what was wrong with the tree.

Halfhill asked if the orientation of the house not facing the road provide a special circumstance of the rules that are meant for a front facing view. Schoeneman stated the orientation was looked at and it was not found to impact which property line is considered the front property line, but rather the access location.

Schoeneman stated that if it is tabled to look into a lesser variance request that she does not feel it would alter staff recommendation and denial would still be recommended.

Brekke stated he is not interested in pushing this through, and asked if the Board had amended the findings previously. He would like to keep the trees and changing the amount of the variance request. Schoeneman stated that the board has changed the findings before and that the Board would need to go through and change the findings for each legal principle staff found was not met. Much discussion took place among the Board as they amended staff's findings.

On the first finding that the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone, the Board found keeping the cost of removing the trees and cost of replacing the trees did not allow for reasonable return. Further, trees add value to the property and their removal would impact the property value.

On the second finding that the plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself, the Board agreed with staff's findings on the unique circumstances requiring the garage to be located on the west side of the dwelling and have a south-facing overhead door. They also found that the age of the house was a unique circumstance when considering the general condition of the neighborhood.

On the fourth finding that granting the variance will not be contrary to the public interest, the Board found that no members of the public provided comments in opposition and the applicant had stated that the closest neighbor was in support.

On the fifth finding that the spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected, the Board found that a reduced variance of three feet would not be noticeable and impact the intent of the Story County Development Plan and Story County Land Development Regulations.

Public Hearing Comments from September 16, 2020

A rehearing of the item was on the September 16, 2020 agenda. HF 2512 was signed by the Governor on June 1, 2020, and requires Planning and Zoning Commission and Board of Adjustment members to be eligible electors and reside within the area regulated by the County Zoning Ordinance (unincorporated area). As the law went into effect immediately, prior to the June meeting of the Board of Adjustment, staff contacted Board members who did not reside in the unincorporated area of Story County to let them know that they could no longer serve on the Board of Adjustment. Due to a recent annexation, staff did not realize Board Member Randy Brekke, who had served on the Board since 2016, no longer resided in the unincorporated area. When this came to staff’s attention in August, staff contacted the County Attorney, Ethan Anderson, to determine how the cases heard by the Board including Brekke in June and July were impacted. Anderson advised that the cases be reheard by the Board.

Schoeneman provided a brief summary. The request is for a variance to the minimum front setback for an attached garage at 27922 Timber Road. The zoning of the subject property is R-1 Transitional Residential, which establishes a minimum front setback of 40 feet. The variance request for an attached garage is proposed to encroach on the front setback, requiring a variance of 7 feet. The attached garage is proposed to have a setback of 33 feet, be 39-feet-by-26 feet, and be located on the west side of the existing dwelling. The purpose of the variance is to preserve two trees on the site. A larger garage that encroaches on the setback would allow for the overhead garage door and driveway to be located further west, away from the trees. Planning and Development staff recommend denial of the variance. Schoeneman stated the Board of Adjustment previously approved a 3’ variance.

Board of Adjustment Action on Written Findings of Fact

Date: October 21, 2020

VOTE: Ayes Nayes
Excell
McGill
Neubauer
Hovick
Jondle

Vote:

Chair: _____

Prepared by Emily Rizvic, Story County Planning and Development Department, 900 6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
VARIANCE AND WRITTEN FINDINGS OF FACT
AMENDING THE PREVIOUSLY RECORDED FINDINGS OF FACT INST. NO. _____**

IN THE MATTER OF THE APPLICATION OF: : CASE NO. VAR01-20

**Andrew Friend
16117 550th Avenue
Story City, IA 50248**

A variance request for an attached garage to a nonconforming dwelling for the property located at 16117 550th Avenue, Story City, IA and described as being located in Northeast of the Northeast quarter of Section 02 of Franklin Township BEG 522'S NE COR S435.5' W328.1' N430.7' E328.8 to the point of beginning (Parcel ID Number 05-02-200-230), under the ownership of Andrew and Naomi Friend.

On September 16, 2020, the Story County Board of Adjustment approved Variance Case No. VAR01-20 for the request of a 20 foot front setback variance, from 50 feet to 30 feet for an attached garage to a nonconforming single family dwelling.

**VOTE: Ayes: Neubauer, Hovick, Jondle, Excell, McGill
 Nayes: None
 Absent: None
 Vote: (5-0)**

Written Findings of Fact

Case Summary: The request was for a variance to the minimum front set back for an attached garage to a nonconforming single family dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request was to permit the construction of an attached garage to the nonconforming single family dwelling that would encroach on the front setback requiring a variance of 20 feet from 50 feet to 30 feet. Planning and Development Staff recommended approval of the variance request due to the variance request meeting all legal principals.

Marcus Amman, Story County Planner, presented the staff report at the September 16, 2020, Story County Board of Adjustment meeting and reviewed the Variance Application, site plans, written narrative, and staff's recommended findings in accordance to Chapter 92.03 Variance of the Story County Land Development Regulations.

Analysis of Legal Principles

A. Finding of unnecessary hardship

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;

Staff Comment: The principle of reasonable return asks the Board to consider if, without a variance, a property owner cannot establish any beneficial use on their property.

Due to the year the home was built, its current layout does not match the needs of modern homes. With this home being one of the oldest in the area, it is reasonable to request certain updated to be able to yield a reasonable return if the Friend family were to sell it. When the Friend family applied for the variance for the living space addition to the dwelling, the size of the garage had not been decided yet. It is practical to want to add an attached garage in their location as their dwelling is the only one without an attached garage in the area. There is also a level of protection from the elements by having an attached garage in the area. The cost of moving the lateral and the septic system would likely negate any increase in the dwelling value and the Friend family has received a variance to the required 10 feet setback from septic system to 6 feet. Building to the south is also not feasible due to the lack of an access from the road. Lastly, the Board of Adjustment granted the applicant a variance in 2019 for an addition to the dwelling to ass needed amenities.

2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and

Staff Comment: The dwelling was constructed in what would become the front setback area in 1930 prior to zoning being adopted in the county. The septic system blocks any construction on the western side of the dwelling. To the south of the dwelling is a well which limits the possibility for expansion directly south along with the new addition. This is one of few dwellings in the area that was built prior to the implementation of the zoning ordinance at a location that currently encroaches the required 50 foot front setback. The Friends did not construct this dwelling. As such the Friend family is in a unique set of circumstances that most of the neighborhood do not experience. The Friends have made other improvements to the property in places where it is feasible while being constrained by the septic system. This supports that the dwelling is a unique circumstance to the property that was not caused by the Friends. The existing access and driveway location ass it also serves as the entrance and exit to the existing detached garage limits placement or the proposed attached garage.

3. The use to be authorized by the variance will not alter the essential character of the locality.

Staff Comment: The property is located on a not heavily trafficked gravel road. The dwelling is located on 550th Ave, a gravel road, with an average daily traffic (ADT) count of 130 from 2015. This compares to the 4,700 ADT on Highway 69 to the west for the same year. The dwelling is also one of the oldest properties within a mile with the nearest dwellings being significantly newer. The nearby dwellings all have attached garages. The property had a barn on it that was located very near the right of way but has been torn down since the last variance request. The location of the proposed attached garage is logical as it will be adjacent to the mudroom which leads to the kitchen. Also the design of the proposed attached garage will match the country style design of the dwelling.

B. Granting the variance will not be contrary to the public interest; and

Staff Comment: Granting the variance would not be contrary to the public interest of the Land Development Regulations to protect public health, safety, and welfare without significant investments/improvements made to the subject property.

There is 30 feet of separation from the proposed attached garage and the front property line and over 56 feet from the proposed addition to the western edge of the road. Speeds of vehicles driving past the pond are likely to be slower as it is a gravel road with a 3 way intersection 660 feet to the north. The closest dwelling is located approximately 1000 feet south of the dwelling and has a large wind break on its north side buffering it from the subject property. The variance would allow the Friend family to add an attached garage to

their dwelling to meet the current needs of the family, without a significant financial impact of moving the dwelling, constructing a new dwelling, or moving the septic system to another part of the property.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Staff Comment: The Story County Comprehensive Plan and the Story County Land Development Regulations have similar spirits/intents to maintain the county's rural character.

The Statement of Intent for the A-1 Agricultural Zoning District is:

"The A-1 District is intended and designed to accommodate land uses compatible with agriculture and to protect agricultural land from encroachment of urban land uses. The County Development Plan designates priority agricultural land as Agricultural Conservation Areas. These areas are intended to preserve rural character by limiting the development of most new non-farm dwellings to large lots. In some instances, the A-1 District permits non-farm residential development on smaller lots in furtherance of the County Development Plan goals and objectives."

The property is designated Agriculture Conservation Area. The primary land use of the subject parcel is the residence which has been on the property since 1930. Due to the location of the property in a rural setting, anticipated lower speeds of vehicles, large agricultural properties and nearby single family dwellings on large parcels, all items contributing to meeting the spirit and intent of the ordinance.

In the A-1 Agricultural Zoning District and Natural Area Designation in the Ames Urban Fringe Plan, however, limited to no development is encouraged. This is due to the potential impact of more intense development, as is illustrated by the issues with parking and capacity of the septic system on the subject property.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the variance request on July 8, 2020.

No comments were received from the General Public in regards to the setback variance request.

Notification was provided to the City of Gilbert on July 7, 2020. Gilbert stated no concerns in regards to the proposed front setback variance.

The submittal was also routed and reviewed by Story County Staff on June 25, 2020.

Public Hearing July 15, 2020

The request was previously heard at the July 15, 2020, meeting.

Marcus Amman presented the Staff Report and stated that the request is for a variance to the minimum front set back of a nonconforming dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request is to permit the construction of an attached garage to the single family dwelling that would encroach on the front setback requiring a variance of 20 feet from 50 feet to 30 feet. The property is located in Section 2 of Franklin Township parcel number 05-02-200-230. Amman stated that the Planning and Development staff recommend approval of the variance due to all legal principles being met.

Mr. Friend stated that originally he did not think it would be possible for a garage until he learned about the possibility of changing the type of septic system. Mr. Friend also stated that the trees are not in good condition so the decision was made to attempt approval for a garage.

Public Hearing Comments from September 16, 2020

A rehearing of the item was on the September 16, 2020 agenda. HF 2512 was signed by the Governor on June 1, 2020, and requires Planning and Zoning Commission and Board of Adjustment members to be eligible electors and reside within the area regulated by the County

Zoning Ordinance (unincorporated area). As the law went into effect immediately, prior to the June meeting of the Board of Adjustment, staff contacted Board members who did not reside in the unincorporated area of Story County to let them know that they could no longer serve on the Board of Adjustment. Due to a recent annexation, staff did not realize Board Member Randy Brekke, who had served on the Board since 2016, no longer resided in the unincorporated area. When this came to staff's attention in August, staff contacted the County Attorney, Ethan Anderson, to determine how the cases heard by the Board including Brekke in June and July were impacted. Anderson advised that the cases be reheard by the Board.

Marcus Amman provided a brief summary and stated that the request is for a variance to the minimum front set back at a nonconforming dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request is to permit the construction of an attached garage to the single-family dwelling that would encroach on the front setback requiring a variance of 20 feet from 50 feet to 30 feet. The property is located in Section 2 of Franklin Township parcel number 05-02-200-230. Planning and Development Staff is recommending approval of the variance and that due to how the home was originally built this is the only location that would accommodate the garage.

There were no public comments or comments from the Board of Adjustment.

Points considered

1. The project is necessary to add amenities that are common and essential for daily living found in most single-family dwellings.
2. Due to the nature of the year that the dwelling was built, 1930, there was no zoning ordinance in place for setbacks.
3. The dwelling currently is located inside the front setback by 18 feet with an approximate front setback of 32 feet.
4. The traffic is limited on 550th AVE with an annual average of 130 trips per day compared to Highway 69's annual average of 4,700 trips per day.
5. The proposed attached garage would be approximately 56 feet from the west edge of 550th AVE. the Board of Adjustment granted the applicant a front yard setback variance in 2019 for an 33 foot variance from the minimum 50 foot setback to 17 feet.
6. The proposed location on the north side of the dwelling is a logical location for an attached garage to the dwelling.
7. The nearest dwelling is over 1,000 feet to the south and has an established wind break between the two dwellings. This dwelling was constructed in 2010 and has a setback of 85 feet and also has an attached garage.
8. The existing character of the area of the property is a mix of few residential dwellings on large lots and adjacent parcels in row crop production.

Board of Adjustment Action on Written Findings of Fact

Date: October 21, 2020

VOTE: Ayes Nayes

Excell

McGill

Neubauer

Hovick

Jondle

Vote:

Chair: _____

Prepared by Marcus Amman, Story County Planning and Development Department, 900 6th Street, Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF CONDITIONAL USE PERMIT
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP02-90.8**
Martin Marietta, 831 Riverside Road, Ames, IA :
50010, for the request of a Conditional Use :
Permit for the construction of a new wheel :
wash station and permitting the existing wheel :
wash station, located on the SW SW of Section: :
23 Township: 84 Range: 24, Franklin Township, :
(Parcel ID Number 05-24-300-110. :

On September 16th, 2020, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP02-90.8 for the request of a Conditional Use Permit for the Martin Marietta existing and proposed wheel wash station with conditions.

- 1. Conditions 1-4 of the approved Conditional Use Permit Case No. CUP02-90 are maintained.**
- 2. The applicant shall provide the sound level reading from the property boundary of the closest dwelling on the south side of Riverside Road as well as the property boundary for the dwelling to the west owned by Plowback LLC for a base line reading when the new wheel wash is constructed and operational.**

VOTE: Ayes: McGill, Neubauer, Excell, Hovick, Jondle
Nayes:
Absent:
Vote: (5-0)

This meeting was held virtually due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus. Public access to the meeting was provided via conference. An audio recording of the Board of Adjustment meeting was posted on the County’s website www.storycountyia.gov.

Written Findings of Fact

Case Summary: This request is for a conditional use permit minor modification for the use of an existing wheel wash and a proposed wheel wash located at 831 East Riverside Road, Parcel 05-24-300-110. The existing wheel wash system is no longer sufficient to handle the present volume of customer traffic, and an improved means of addressing track-out is desired. The existing wheel wash was installed in 2004 and is 61-feet long and 12-feet, 8-inches wide. The water and rock material from the existing system is deposited in a nearby “clean-out bunker”. The water is recirculated as it is a closed loop system, no water drained to the ground with the exception of what may possibly splash off. The proposed wheel wash is 52-feet long and 14-feet wide. The proposed system will have its water and rock material deposited into a 40,000 gallon recovery tank. The rock material that is recovered from both of these tanks is and will be used on internal roads or returned to the mine. There is no proposed increase to traffic in the area. The water used in the process is a completely closed loop system meaning no water is being discharged. Planning and Development staff recommend approval of the conditional use permit with conditions:

1. Conditions 1-4 of the approved Conditional Use Permit Case No. CUP02-90 are maintained.
2. The applicant shall provide the sound level reading from the property boundary of the closest dwelling on the south side of Riverside Road as well as the property boundary for the dwelling to the west owned by Plowback LLC for a base line reading when the new wheel wash is constructed and operational.

Marcus Amman, Story county Planning and Development Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the September 16th, 2020, Story County Board of Adjustment meeting.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval
The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: *The subject properties are zoned Heavy Industrial (HI) and Agricultural (A-1) and the wheel washes are compatible with the character of the zoning districts and immediate vicinity.*

Staff Comment: The subject properties are zoned Heavy Industrial and A-1 Agricultural/R-1 Transitional Residential District. These districts both allow for mining activities to take place with the A-1 requiring a conditional use permit. The land use of the east 15 acres consisting of the office, scale, wheel wash and drive was recently changed from Rural Transitional Residential Area to General Industrial Area in support of a parcel line adjustment to match up land uses consistent with the mining operation and support in changing the taxation of the balance of the parcel from commercial to agricultural classification. The main changes to the property would be the addition of another wheel wash station in addition to the existing one. There are no County records that indicate the existing wheel wash station was applied for so this permit would encompass permitting that one as well. The wheel wash stations are at minimum 1,200 feet from the nearest dwelling. No agricultural land will be taken out of production for either proposal.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *Significant setbacks and existing vegetation provide a suitable transition and buffer between the existing mining site and surrounding properties.*

Staff Comment: The closest dwelling to the wheel wash station is a minimum of 1,200 feet. The wheel wash stations are ground based with the tallest portion being 16 feet, part of which is below grade. These stations are unlikely to be seen from other properties. Due to their size, location, existing vegetation, and distance from any property lines.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *No change in access is proposed with regard to the current request. The existing mine site has access via East Riverside Road and North Dayton Avenue. The existing site access is sufficient with regard to pedestrian safety, traffic flow and control, and emergency access and no*

additional access is necessary.

Staff Comment: Traffic will likely continue at similar levels and will not impact traffic levels as the proposed uses are not increasing or impacting production. This will assist in the efficiency of cleaning trucks before they go out for deliveries. The collected rock material will be used for internal drives or returned to the mine.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: *No changes to parking or loading are proposed with this request. Adequate off-street parking has been provided and the layout of the parking has been designed to reduce impacts.*

Staff Comment: No additional parking is proposed or required. While the County has not adopted a noise ordinance, anticipated noise levels with the proposed wheel wash may be between 74 db and 80 db at a distance of five feet. These levels will likely drop when observed from adjacent property lines.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *No changes to signage or lighting are proposed with this request. All signage shall conform to applicable regulations. Exterior lighting shall comply with the requirements of Section 88.09, Site Lighting.*

Staff Comment: No signs or lighting are proposed.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *No adverse environmental impacts are anticipated from this proposal.*

Staff Comment: There is no adverse environmental impacts anticipated as the water is reused in the wheel wash process. There are no chemicals or detergents added to the water for this process. The system is designed as a closed loop system. No water is discharged from the wheel wash stations. The water for the wheel wash station will come from an existing pond on site that was created in the 1970's when the former quarry was open.

No work is proposed in the floodplain.

B. If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The wheel wash stations are to help mitigate the dust generated from leaving the mine and no surface processing activities are proposed for the area. This use is providing a safeguard to the health, safety, and general welfare of those that live in the area as well as those traveling through the area. The main change is that there will be an additional wheel wash station in use. The goal is to help reduce the amount of dust and dirt being tracked out onto Riverside Road cleaner for a longer period of time.

Almost all nearby dwellings are over 1,200 feet from the wheel wash stations.

The parcel adjacent and north of the wheel wash station is owned by Erin Hornung. There is a dwelling on the parcel that is approximately 4,000 feet from the wheel wash locations. The property line is bounded by the South Skunk River.

Two parcels to the west of the wheel wash station are owned by Plow Back LLC. The lots are approximately 26 acres and one contains a single-family dwelling that is 2,000 feet from the wash station. A large row crop area provides a buffer between the wheel wash and the dwelling.

To the south of the wheel wash station are several properties owned by Scott & Kasey Strosahl, Alan & Susan Nacin, and Tony Nacin. There is approximately 8 acres between those three owners. There are three dwellings, the closest being approximately 1,260 feet to the south of the wheel wash station.

To the east of wheel wash stations are parcels owned by Bishop Farms and El Sargent. These parcels include the mine production as well as row crop production. The nearest dwelling to the east is approximately 5,700 feet.

- 2. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The wheel wash stations are to help mitigate the dust generated from leaving the mine and no surface processing activities are proposed for the area. The use will help keep dust from the mine out of the air as the trucks are leaving the area. This will help protect the air in the surrounding area. There is no impairment anticipated to the light in the area as these systems are ground based.

- 3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: Traffic will likely continue at similar levels.

- 4. diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No negative impacts on property values are anticipated. Wheel Wash Stations are to help keep the dust down in the area. The stations are not likely to be seen from adjacent properties or public roads.

- 5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The properties are designated as Rural Transitional Residential Area and General Industrial Area in the Ames Urban Fringe Plan Future Land Use Map. The goal of this designation supports the

subsurface mineral extraction in the Agricultural/Subsurface Mining land use designation. Areas where surface mining activities occur, such as the processing plant at the Martin Marietta Ames Mines, are designated as General Industrial in the Ames Urban Fringe Plan. The land use of the east 15 acres consisting of the office, scale, wheel wash and drive was recently changed from Rural Transitional Residential Area to General Industrial Area in support of a parcel line adjustment to match up land uses consistent with the mining operation and support in changing the taxation of the balance of the parcel from commercial to agricultural classification.

As no surface processing activities are to occur the proposal is compatible with the future land use for the area.

Conceptual Review

Application materials were routed to the Interagency Review Team on September 1, 2020. Some of the County staff review comments were as follows:

Interagency Review – September 1, 2020

Comments from the Assessor's Office

No comment

Comments from the Auditor's Office

No comment

Comments from the Engineer's Office

No comment

Comments from the Emergency Management's Office

No comment

Comments from the Environmental Health's Office

No comment

The following were relevant comments documented by the Interagency Review Team:

Planning and Development Department Comments and applicant responses after CUP Submittal:

1. How many trucks can be cleaned per day currently? *Up to 800+/- trucks can go through the existing wash without traffic flow restrictions.*
2. Who built the existing wheel wash station? *The existing equipment was fabricated in-house using Martin Marietta personnel.*
3. How many trucks can be cleaned with the addition of the proposed wheel wash? *The new wheel wash is designed to handle up to 1400 trucks per day.*
4. How often are the tanks cleaned to return rock to the internal roads or to the mine? *The new wheel wash has a designed scraper conveyor that runs continually to pull solids out of the tanks. The solids will be managed as time permits, likely daily. The*

current wash uses a flow-through drop-out bay that gets scooped every 15 days or so.

5. Do the wheel wash stations fall under the existing NPDEP? *Wheel washes are considered part of the industrial processes that can be used on a mine or quarry site.*
6. Do the wheel wash stations need any permitting from the IDNR? *No.*
7. How long is the same water reused? *Indefinitely; it is a closed loop system.*
8. When the water is done being reused where does it discharge to? *No process water is discharged off-site; the system is closed-loop. There may be some residual moisture on the truck frame or in the removed mud, which is added to normal yard cleanup material. It is either hauled into the mine or used to build traffic control berms internal to the stockpile area.*
9. Does the existing system reuse water or does it draw from the pond? *Process water from the existing system is piped to a nearby bunker, where the majority of the clay and silt-size particles settle out. The process water then returns the source pond (in an old quarry pit), where it becomes available for re-use. It's a closed loop system.*
10. How much rock material is collected in a year from the existing wheel wash station? *Very little rock comes off the trucks. Martin Marietta has not measured the amount of sedimentation in the former quarry pit (central pond) that return water has generated; approximately 9 cy of mud are scooped from the bunker every two weeks, which is about 225 cy/yr. That is highly variable and dependent upon weather and traffic patterns.*
11. How loud are the stations? *We believe that the manufacturer had indicated 74 db but we were unable to verify on short notice. We asked our staff to make sound measurements on a similar system at our Randolph mine in Kansas City and they determined the sound level to be approximately 80 db, including ambient/background sound levels, at a distance of less than 5 feet.*
12. Will they operate 24/7 like the rest of the mine? *Use of the wheel wash occurs only when the scale is open for business and we are receiving customer traffic.*
13. How much water does it take to clean truck tires and wheels? *The amount of water required is dependent upon the soil particle size and type, as well as the wash design. The new wheel wash we are adding is designed to use 1660 gallons of water per wash, which is nearly all captured and reused. A small amount of makeup water will be supplied from the former quarry pit (central pond).*
14. How often and how much water do you have to pull from your existing pond? *Please indicate the location of pond used for the source water. The turbine pump pulls water continuously for use by the water truck to keep dust down on the yard, and for the wheel wash. The turbine pump does not run at optimum presently, and the flowrate is approximately 500 gpm. Please indicate the location of the pond used for the source water. The pond used in conjunction with the wheel wash is located roughly 585' northeast of the existing wheel wash.*
15. Will this pond be used for both wheel wash systems? *Yes.*

16. Is the pond naturally occurring or was it created by Martin Marietta? *The pond is the remaining portion of the former open quarry that operated at this location until the underground mine was established in the late 1970s.*
17. What percentage of water used for cleaning is able to be captured and reused? *The only loss would be that which remains on the vehicle and evaporative loss. Approximately 98% is reused, and will vary depending upon the final tuned flow and pressure that works ideally for the soiling we see on our trucks.*
18. What percentage of dust reduction is accomplished by using a wheel wash station? *The wheel wash system is intended to remove small clay and silt size particles of limestone mud clinging to customers trucks/tires, thereby reducing track-out onto Riverside Road. The system does not reduce dust directly; rather, it is intended to eliminate track-out of particles which may then become airborne. Our desire is that by adding this second wheel wash, we can reduce the track out from the location and perhaps eliminate the need to have a street sweeper clean Riverside, except for very rare occasions.*
19. How long does it take to construct the new station? *The new system should be complete in no more than 2 weeks after construction commences. We are hoping to complete installation and be using the system by early November 2020.*
20. What maintenance is required on the stations and how often is it conducted? *The new system includes an automatic lubrication system, so that it is continually maintained and no shut down is required for routine maintenance. The new system includes a 40,000 gallon tank for removing solids from the water before being recirculated. The solids are then conveyed out of the tanks and placed on internal roads, or returned to the mine. The wash deck and spray nozzles will be regularly inspected to maintain functional status.*
21. What is the life span of the stations? *While we anticipate the occasional need to replace pumps, nozzles, and other wear parts, it is expected that the wash stations will last indefinitely.*
22. Are all trucks exiting the mine required to go through the wheel wash stations? *Please confirm that you intend to continue using both the existing and new wheel wash systems. Generally, yes, all truck traffic will pass through the wheel wash in route to the scale. It is our intention to use both systems – the old system will serve as a back-up should the new system be shut down for repairs, or if a substantial internal traffic backup occurs.*
23. From review of aerials it appears that after both wheel wash stations is more gravel before exiting the mine access. How much gravel/dust material is collected before the trucks exit the site? Is there a future plan to pave the remaining drive that is currently gravel? *The entire exit loop is paved from north of the proposed wheel wash to the exit. Our intention is to reconfigure internal traffic flow to have trucks travel on pavement only from the bend in the entrance road all the way onto Riverside.*

24. With the existing and new wheel wash systems, do the trucks move through the system or are the trucks stationary? *The trucks pass through the wheel wash in route to the scale; the wash is stationary.*
25. Please submit a copy of the shop drawings for the existing wheel wash system identified in the application submittal. *Submitted.*
26. What are your plans or metrics for monitoring and/or measuring the success of the proposed new wheel wash system? *It is hoped that the new system will reduce track-out to the degree that it is no longer necessary to operate a street sweeper on Riverside Road. We will be monitoring the amount of traffic through each wash, the appearance of the truck wheels as they proceed toward the exit, and the frequency/volume of solids recovered from the new wash system. We expect an adjustment period for optimizing the wash that may need to be readjusted in spring of 2021; we also anticipate having a transitional time period as we get truck and delivery drivers accustomed to the new traffic pattern.*

Other Communication from County Staff

Auditor's Office:

No Comment

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on September 9, 2020, regarding the Conditional Use Permit application.

No comments had been received at the time of completion of the staff report.

Comments from Cities within Two Miles

Application materials were routed to the cities of Ames and Gilbert as cooperators in the Ames Urban Fringe Plan.

On September 3, 2020, the City of Gilbert stated they have no opposition to the proposal.

On September 8, 2020, the City of Ames stated they have no opposition to the proposal.

Comments from the General Public:

Prior to the Board of Adjustment meeting, there were not any comments from the public.

Comments from the Board of Adjustment at their September 16th, 2020 meeting:

This meeting was also held virtually due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus. Public access to the meeting was provided via conference. An audio recording of the Board of Adjustment meeting was posted on the County's website www.storycountyiowa.gov.

In summary, Amman presented the staff report and stated that Martin Marietta is proposing to construct a new wheel wash station, in addition to the existing wheel wash station. The wheel wash stations are closed loop system, without any chemicals or detergents added. The use fits within the area. The purpose of the wheel wash is to keep track out down on to East Riverside Road. The anticipated noise for the system is 74 dB. Martin Marietta provided sound readings at the south property line of 75 dB and at the west property line it was 70dB. This was with the existing wheel wash system operating.

Don Maroney was on the call representing Martin Marietta.

There was one comment from the public. Doug Kurt expressed concerns about track out and dust in the area and he has lived in the area for 25 years. Kurt asked if the current wheel wash station will stay in operation while the new one is built. Maroney explained that the existing will stay in operation while the proposed is being built, and after both will be in operation. Kurt asked if both will be in operation 12 months out of the year. Maroney explained that they will be weather permitting (temperature), and that in the winter months when the ground is hard the track out is far less. Kurt stated that it seemed like more track out happens in the winter. Maroney stated that if they need to sweep East Riverside Road they will still have that ability.

Hovick in response to Kurt's response stated that since Martin Marietta was adding additional track out prevention that the discussion was not relevant. McGill agreed.

Moore, stated that Martin Marietta applied for an insignificant modification to pave shoulders on their access drive. Stating that this is another measure that they are taking to control dust and track out in the area. Amelia Schoeneman stated that the dust control in road is part of the State of Iowa permit. Maloney stated he is not aware of that.

Points to Consider for the Conditional Use Permit Request

1. The wheel wash station will help keep dust in the area down and assist with reducing dust and mud from being tracked out onto Riverside Road.
2. No environmental impacts are anticipated.
3. The closest dwellings are 1,200 feet from the wheel wash station.
4. The systems are ground based and not likely to be seen from other properties or public roads.
5. No new access is being proposed.
6. Water in the system is reused and the rock material is used on internal drives or returned to the mine.
7. No chemicals or detergents are used in the process.

The Board of Adjustment approved the Conditional Use permit CUP02-90.8 as put forth (vote 5-0), for the request of a Conditional Use Permit for the Martin Marietta existing and proposed wheel wash station with conditions.

1. Conditions 1-4 of the approved Conditional Use Permit Case No. CUP02-90 are maintained.
2. The applicant shall provide the sound level reading from the property boundary of the closest dwelling on the south side of Riverside Road as well as the property boundary for the dwelling to the west owned by Plowback LLC for a base line reading when the new wheel wash is constructed and operational.

Board of Adjustment Action on Written Findings of Fact

Date: October 21st, 2020

VOTE: Ayes Nays

McGill

Neubauer

Excell

Hovick

Jondle

Vote:

Chair: _____

**STORY COUNTY, IOWA
VARIANCE AND WRITTEN FINDINGS OF FACT
AMENDING THE PREVIOUSLY RECORDED FINDINGS OF FACT INST. NO. _____**

IN THE MATTER OF THE APPLICATION OF: : **CASE NO. CUP07-18.1:**
:
InRoads, LLC :
4224 Hubbell Avenue :
Des Moines, Iowa :
:
A minor modification to an existing conditional :
use permit (07-18) for the property located at :
3034 560th Avenue, Ames, IA and described as :
being located in the Southwest of the :
Southwest Section: 18 Township: 83 Range: 23 :
(Parcel ID Number 10-18-300-300), under the :
ownership of Tanam Real Estate, LLC. :
:
:

On September 16, 2020, the Story County Board of Adjustment the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, with the following conditions:

- 1. The east berm shall be seeded with temporary seeding meeting Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual and Standards Manual or other professionally accepted design criteria.**
- 2. If phase two of extraction is approved, the east berm shall be moved to the east property line prior to the excavation of materials from the ground as part of the second phase of extraction and the berm shall be landscaped within one year of the berm's construction.**
- 3. If the conditional use permit for phase two of extraction is not approved, the east berm shall be permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell.**
- 4. The applicant shall increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000.**

VOTE: Ayes: Jondle, Neubauer, Excell, McGill
Naves: None
Absent: Hovick
Vote: (4-0)

Written Findings of Fact

Case Summary: The request is for a minor modification to an existing conditional use permit (07-18) for the extraction of sand and gravel. The subject property is located at 3034 560th Avenue. The mining cell is located in the southwestern 4.6 acres of the 47.24 net-acre parcel. The conditional use permit was originally approved on November 28, 2018, with conditions, including that "landscaping shall be installed by June 1, 2020, in accordance with the submitted

restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.” The applicant is requesting a modification to the condition to allow the berm to be located east of the existing mining cell and to not be permanently landscaped pending approval of a future conditional use permit for the second phase of extraction, including the area east of the existing mining cell. If the second phase of extraction is not approved the berm is proposed to be permanently landscaped with nursery stock trees in the location adjacent to the mining cell. If the second phase is approved, the berm will be moved to the eastern side of the site and permanently landscaped. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped. Staff recommends approval of the conditional use permit with conditions.

Amelia Schoeneman, Story County Planner, presented the staff report at the September 16, 2020, Story County Board of Adjustment meeting and reviewed the conditional use permit application, site plans, written narrative, and staff’s recommended findings in accordance to Chapter 90.04 of the Story County Land Development Regulations.

Analysis of Legal Principles

1. Applicable Regulations: Chapter 90.04: Standards for Approval

The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

- A. Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: *The proposed use of a mineral extraction location is consistent with the adjacent property on two of the property lines. InRoads CUP does not interfere with the development and use of adjacent property in accordance with the applicable district regulations. Since the development is the same type of operation as neighboring properties, the development is not unsightly, obnoxious nor offensive in appearance to abutting or nearby properties. Berms are not present on the neighboring property lines; screening berms are only to the extent of the extraction limits on surrounding properties with mineral extraction taking place.*

Staff Comment: The request to change the location and landscaping timeline for the east berm has the greatest impact on the properties to the east. The berm on the west side of the mining cell will be landscaped in early September.

The adjacent property to the east is in row crop production. Interstate 35 is also located .2 miles to the east. Given that the berm is located east of the pit, instead of on the east property line, some screening is still provided and adequately buffers the mining cell. The location of the berm is not anticipated to interfere with the use of the adjacent properties.

The applicant also identified that the berm in the current location provides a better buffer between the row crop production on the property and the extraction operation. This makes the proposed location more compatible with the character of the zoning district and area where the major land use is agricultural.

Finally, the applicant indicates the berm would be in a better location for restoration of the site if the second phase is not approved. Requiring the berm to be located on the east property line instead of adjacent to the mining cell would be less appropriate for restoration of the site if the second phase of extraction is not approved and the mining cell is limited to its current size.

Staff recommends a condition that if the conditional use permit for phase two of extraction is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell. A condition on the previously approved conditional use permit requires that “the extraction use shall cease by December 31, 2021, and the site be restored based on the restoration plan if no modifications to the conditional use permit for phase two of extraction are approved. Once restoration is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.”

- B. Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *There will not be any transition between any buildings since there are not any buildings constructed. The suitable transition will be an aggregate pad on which to set stockpiles, the processing plant area, and farmland beyond the landscaped berm. It would not make sense to have a berm, then farmland, then the extraction area- there needs to be a berm between the farmland and the extraction area for a natural transition and protection of the mined cell.*

Staff Comment: Landscaping is proposed to be installed on the berm located to the west of the mining cell by early September. Landscaping will be nursery-stock sized trees. The condition placed on the previous conditional use permit for extraction also intended to have the east berm permanently landscaped. The landscaping of the berms while extraction is occurring presents an opportunity to have established vegetation for when the use ceases and site is restored. At the time of the previous application, the applicant indicated the second phase of extraction would last two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated. Staff recommends a condition that if the conditional use permit for phase 2 is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell. The conditional use permit for phase one of extraction expires December 31, 2021. Alternatively, if phase two of extraction is approved, staff recommends a condition that the east berm be moved to the east property line prior to extraction at the depth/extent of extraction approved occurring and that the berm is landscaped within one year of the berm's construction. Through these conditions, the berm may be without permanent landscaping for one to two years. The one to two years when the berm is not permanently landscaped will not have a major impact on the transition to other properties. Again, the berm in the current location provides a better buffer between the row crop production on the property and the extraction operation. This provides a better transition to the agricultural uses on adjacent properties to the east.

- C. Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *The location of the berm helps with farm traffic on site and acts as a buffer between the farmland and the extraction site.*

Staff Comment: No new traffic would be created by the change in the location of the berm. The applicant indicates the berm in its current location better separates mining and farming traffic on the site. Staff recommends a condition that if phase two of extraction is approved, the east berm be moved to the east property line prior to extraction at the depth/extent of extraction approved occurring and that the berm is landscaped within one year of the berm's construction. The area that is farmed will change when the limits of extraction are expanded in phase two.

- D. Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: *The berm does not affect parking and loading.*

Staff Comment: The berm does not impact parking and loading.

- E. Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *The property does not need to be lighted during normal working hours.*

Staff Comment: No signs or lighting are proposed.

- F. Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *The berm located to the limits of extraction helps protect the water body from flood or runoff water. The berm is already in its desired location so it will not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other hazardous or nuisance conditions. The berm has been planted with grass seed to hinder the development of weeds.*

Staff Comment: Staff recommends a condition that the east berm is seeded with temporary seeding meeting Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual and Standards Manual or other professionally accepted design criteria.

- 2. If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:**

- A. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: There are no adjacent single-family dwellings to the site. Hallett Materials is located to the north of the site, which is a similar use.

- B. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The berm will not impact the quality of air or lighting on the property.

- C. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: No new traffic would be created by the change in the location of the berm. The applicant indicates the berm in its current location better separates mining and farming traffic on the site. Staff recommends a condition that if phase two of extraction is approved, the east berm be moved to the east property line prior to the excavation of materials from the ground as part of the second phase and that the berm is landscaped within one year of the berm's construction. The area that is farmed will change when the limits of extraction are expanded in phase two.

- D. diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No negative impacts on property values are anticipated.

- E. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: Other criteria ask the board to consider the use's compatibility with current land use. This criterion asks the Board to consider future land use. This site is within the Rural Urban Transition Area designation in the Ames Urban Fringe Plan Land Use Framework Map. Policies for this area include:

RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe.

The first stage of extraction is proposed to last three years or until 2021 and a condition is recommended by the Planning and Zoning Commission limiting the permit to phase one. The applicant indicates the sand and gravel would be used in construction projects and specifically, to produce asphalt and concrete. InRoads, LLC, is a paving business and the extraction use would provide them with ingredients for the production of asphalt and concrete. No specific projects were identified in the application that would use the materials.

The Story County Cornerstone to Capstone Comprehensive Plan includes a strategy to focus resources on high-priority natural areas including working “with the City of Ames to explore and prioritize the Hallett materials extraction site located SW of I-35/US 30 interchange for potential reuse and revitalization.”

The berm on the east side of the site was part of the submitted restoration plan. The restoration plan proposed landscaping on the east and west berms to be installed by June 1, 2020, after one season of the berm settling. Landscaping was to be nursery-stock sized trees. Requiring permanent landscaping would result in established vegetation for when the use ceases and site is restored. At the time of the conditional use permit request for mineral extraction, the applicant indicated the second phase, if approved, could support extraction for two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated.

The applicant indicated that the cost of the landscaping was \$20,000. The applicant provided bond for \$30,000, which was to be reduced to \$10,000 after landscaping was completed. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000. This is recommend as a condition.

3. Burden of Persuasion.

- 1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
- 2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion**

Comments

The item was routed for Interagency Review on Tuesday, September 1, 2020.

Planning and Development:

1. Are you still intending to apply for the second stage of extraction? If so, when?
Yes. Winter of 2020/Spring of 2021. I have many of the studies and testing done for the entire site.
2. If the second stage of extraction is approved, how long will extraction take place for? *I would request up to 20 years of sand extraction, but it depends on sales volume. You previously indicated two to seven years, depending on size and quality. Size and quality are exceeding even our “best case scenario” expectations. I would call this sand deposit exceptional (depth, gradation, & consistency).*
3. What kind of trees will be planted when the berm is moved to the eastern side of the site? *We will plant whatever trees you want. Most likely similar to the trees we are planting on the berm this week, if acceptable.*

Engineer Comments:

No comments.

Environmental Health Comments:

No comments.

Auditor Comments:

No comments.

Comments from the General Public

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on September 4, 2020, regarding the Conditional Use Permit application.

No comments were received.

Comments from Cities in the Ames Urban Fringe Plan

Ames

Application materials were routed to the City of Ames on September 3, 2020. No comments had been received at the time of completion of this staff report.

Gilbert

Application materials were routed to the City of Gilbert on September 3, 2020. No comments had been received at the time of completion of this staff report.

Points to Consider

1. The berm in the existing location east of the mining cell provides a better buffer between the row crop production on the property and the extraction operation. It also provides a buffer between the mining cell and Interstate 35.
2. The existing location of the berm is a better location for restoration of the site if the second phase of extraction is not approved. Requiring the berm to be located on the east property line instead of adjacent to the mining cell would be less appropriate for restoration of the site if the second phase of extraction is not approved and the mining cell is limited to its current size.
3. The conditional use permit for phase one extraction expires December 31, 2021.
4. Staff recommends a condition that if the conditional use permit for phase two of extraction is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the pit.
5. If the conditional use permit for phase two of extraction is approved, staff recommends a condition that the east berm be moved to the east property line as soon as the limits of extraction are expanded and that the berm is landscaped within one year of the berm's construction.
6. At the time of the previous application, the applicant indicated the second phase of extraction would last two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated.
7. The applicant provided a bond for \$30,000, which was to be reduced to \$10,000 after landscaping was completed. The applicant will increase the amount of the restoration bond until the east berm is permanently landscaped from \$10,000 to \$30,000. This is recommend as a condition.

Public Hearing Comments from September 16, 2020

Schoeneman stated the request is for a minor modification to an existing conditional use permit (07-18) for the extraction of sand and gravel. The subject property is located at 3034 560th Avenue. The mining cell is located in the southwestern 4.6 acres of the 47.24 net-acre parcel. The conditional use permit was originally approved on November 28, 2018, with conditions, including that "landscaping shall be installed by June 1, 2020, in accordance with the submitted restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security." The applicant is requesting a modification to the condition to allow the berm to be located east of the existing mining cell and to not be permanently landscaped pending approval of a future conditional use permit for the second phase of extraction, including the area east of the existing mining cell. If the second phase of extraction is not approved the berm is proposed to be permanently landscaped with nursery stock trees in the location adjacent to the mining cell. If the second phase is approved, the berm will be moved to the eastern side of the site and permanently landscaped. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped. Staff recommends approval of the conditional use permit with conditions.

Board of Adjustment Action on Written Findings of Fact

Date: October 21, 2020

VOTE: Ayes Nayes

Excell

McGill

Neubauer

Hovick

Jondle

Vote:

Chair: _____

Staff Report

Story County Board of Adjustment

Date of Meeting:
October 21, 2020

Case Number CUP07-20
Cambridge Waste Water Outfall Pipe

APPLICANT: Steve Van Dyke/City of Cambridge
225 S Water Street
Cambridge, IA 50046

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: The City of Cambridge is proposing the construction of a new waste water outfall pipe from their existing lagoon system. The current outfall pipe does not meet the distance requirements for ammonia and E. Coli mixing measurements. The proposed outfall pipe would allow for the city to meet IDNR ammonia and E. Coli mixing requirements at a distance of 2,000 feet from the closest creek. The proposed pipe will be directionally bored to the new outlet location on the south side of the Heart of Iowa bridge that goes over the South Skunk River on property owned by Story County Conservation. The Story County Planning and Zoning Commission are recommending that the Story County Board of Adjustment approves the Conditional Use Permit with a condition with a 7-0 vote.





Property Information

PROPERTY OWNERS

Story Country
Story County Conservation Board
56269 180th ST
Ames, IA 50010

GENERAL PROPERTY LOCATION

Section: 22 Township: 82 Range: 23 SW SW

SITE ADDRESS

East of Center Street
Cambridge, IA 50046

PARCEL IDENTIFICATION NUMBER(S)

14-22-300-600 28.79-Gross Acres

CURRENT ZONING

A-1, Agricultural District

CURRENT LAND USE

The current land use at the proposed site is agricultural conservation and is part of the Heart of Iowa Trail. The property is mainly surrounded by agricultural uses to the south and east. Directly west of this parcel, is another parcel owned by Story County and is also part of the Heart of Iowa Trail. The parcel to the north contains the Cambridge Waste Water treatment plant that the outfall pipe will transport treated water from to the South Skunk River.

FUTURE LAND USE MAP DESIGNATION

Agricultural Conservation

CITIES WITHIN TWO MILES

Cambridge

Floodplain

Yes, applicant will need a county Floodplain Permit to construct the proposed outfall pipe in the flood plain.

The following items were submitted by the applicant: CUP Application, Site Plan, narrative describing need of the outfall pipe, proposed specifications, and responses to County Staff review comments.

Background

This Conditional Use Permit addresses a proposed new 18" outfall pipe for the City of Cambridge wastewater lagoon system. The City of Cambridge, Iowa operates a continuous discharge aerated lagoon wastewater treatment facility. This system treats sewage from Cambridge, primarily



originating from domestic sources. In addition, the system also treats “Inflow and Infiltration (I&I)”, which is essentially non-sewage water that leaks into the sanitary collection system from leaky pipes, surface drain connections, sump pump connections and other sources. The aerated lagoon type of treatment employed at Cambridge has no issues handling the additional flow from these I&I sources, so this is not considered to a significant problem.

With the aerated lagoon type of treatment system, wastewater is treated over a long period of time in very large earthen lagoons. Aeration is provided by mechanical blowers and a network of diffusers on the bottom of the lagoons. The aeration helps to mix the contents of the lagoons and provides oxygen to the micro-organisms that break down the waste thereby cleaning the water. After treatment, the cleaned effluent is discharged to the South Skunk River via an existing outfall pipe.

The treatment system is located on the east side of town near the South Skunk River. The original wastewater system, including collection system and controlled discharge lagoons, were constructed in the early 1970’s. One of the two original lagoons was converted to a three cell aerated lagoon in 2002. Since that time, the treatment system has performed very well; reliably and consistently meeting the effluent limitations established in the discharge permit issued by Iowa Department of Natural Resources (IDNR), according to the City’s engineering consultant Fox Engineering.

The plant was not designed to meet any specific effluent ammonia limitations. The purpose of this project is to make improvements to the wastewater treatment facilities to enhance their reliability, increase capacity, to adequately treat for Ammonia and E. Coli in order to safely and reliably operate the City of Cambridge’s wastewater system for the next 20 years. Four different options were considered for this project, with the outfall pipe being the most cost effective option for the City of Cambridge. An easement of approximately 6,500 sqft for this project has been granted from Story County Conservation and was recorded on 06/29/2020. The total estimated area that will be disturbed for construction of the outfall sewer is 0.58 acres, which is approximately 2% of the 28.79 parcel area. . The proposal is set to impact 2% of the natural area of the parcel, below the 15% threshold that would require any mitigation per the Story County Land Development Regulation.

Positive environmental effects will be improved treatment of the wastewater from the City of Cambridge, compliance with effluent discharge permit limits, reduced discharge of the pollutants ammonia and E. coli to the receiving stream, and improved water quality in the receiving stream.

The City of Cambridge did not receive a letter that initiated the need for this project. Their existing NPDES stated that there were new requirements that were not in place previously. IDNR issues wastewater dischargers like Cambridge updated NPDES permits approximately every five years. When Cambridge’s permit was renewed in 2014, it included new ammonia limits and disinfection limits that their earlier permits did not have. This new permit initiated the need for this project.

Moving forward, the procedure and schedule for compliance with the IDNR requirements will be:

1. Complete construction of the project.
2. Complete an "in field" stream mixing zone study to document how well the effluent mixes with the river.
3. IDNR reviews and approves the mixing study report.
4. IDNR completes a new Waste Load Allocation (WLA) based on the mixing zone study results. The WLA will identify the ammonia limits needed to protect aquatic life in the river.



5. IDNR issues a new NPDES discharge permit to Cambridge with the new ammonia limits (which are set by the WLA).
6. For the life of the facility, the City is required to test the effluent weekly and report the results to IDNR monthly in order to document compliance with the NPDES permit requirements.

Bulk Standards

The outfall pipe will be directionally bored southeast of the waste water lagoon system. The proposed outfall pipe is unlikely be seen by anyone not on the South Skunk River. The purpose of this outfall pipe is to allow for the Cambridge waste water treatment facility to meet the DNR requirements for ammonia and E. Coli. The existing outfall pipe does not allow for the proper distance for the treated water to mix with the river due to the location of the existing perennial creek. The distance from the injection of the treated water to where the measurements are taken is 2,000 feet, unless another body of water joins the river. There is a perennial stream within 500 feet of the existing outfall pipe. This does not allow for enough mixing distance to meet the DNR ammonia and E. Coli requirements.

The property is located just southeast of the City of Cambridge limits, adjacent to the parcels that contain the waste water lagoon system. The property on which the proposed outfall pipe is to be constructed is 28.79 gross acres and owned by the Story County Conservation Board. The parcel to the south is in agricultural production and is 21.23 acres. The floodplain encompasses the proposed parcel, the parcel to the south, and the waste water lagoon system.

The proposed outfall pipe is slated to have the design completed in October of 2020. The project would go for public bidding in December of 2020. Construction would be slated to occur between March and December of 2021. The actual construction of the project is slated for four weeks. This timeline allows for the contractor's schedule as well as weather conditions to be taken into account.

Compatibility

The new 18" outfall pipe will be compatible with the development and use of adjacent properties. Because it is in the floodplain, future development of any adjacent areas is extremely unlikely. Wastewater treatment effluent is normally discharged into nearby streams or rivers as proposed with this project, so this is considered to be a normal feature along waterways. Access to the area is very limited to the public, so the improvements are expected to be relatively unnoticed when complete. The new outfall sewer will be buried. For the most part, it will not be noticeable after construction is complete. The only evidence of its existence from ground surface will be the three buried manholes and the outlet headwall structure. The manholes will be four feet inside diameter and constructed of precast concrete per SUDAS standards. Each manhole will have a 26-inch diameter cast iron cover, which is typical for municipal sewer construction. Each cover will be bolted down to prevent removal or blow off during a flood event, and each will be installed with the top flush with ground surface. The small outlet headwall structure will be constructed of cast in place concrete as shown in the drawings.

Transition

The proposed outfall pipe is being directionally bored below ground. No transition is proposed or needed. No buffering is needed.



Traffic

It is anticipated that Cambridge Staff will access the outfall site approximately one time per year on foot (no vehicles) to observe the headwall structure and check for damage or erosion concerns. Access would be via the existing permanent easement. No other access requirements are anticipated. The Heart of Iowa Trail will not be impacted by construction of the project.

Parking

During the construction of the outfall pipe, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. No new parking or loading is proposed for this project.

Lighting

There are no signs or lighting is proposed.

Environmental Protection

The project will provide improved conditions from an environmental protection standpoint for safe recreational use of the river, with improved treatment and disinfection of the wastewater. The completed project will have no negative impacts on noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds. The total estimated area that will be disturbed for construction of the outfall sewer is 0.58 acres, which is approximately 2% of the 28.79 parcel area. Because the total estimated disturbed area for construction of the project is less than one acre, an NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity or Construction Activities is not required. The Story County erosion control requirements of 88.05 (4) will be followed.

Proposed Outfall Pipe

Throughout construction and after, no significant environmental impacts are expected. This proposed outfall pipe is not anticipated to impact the supply or quality of light or air to the surrounding properties as it will be below grade. The outfall pipe is also not anticipated to impact any property values in the area and will not be seen except for where the pipe meets the river. The proposed site is located in a floodplain.

Analysis

A. **Applicable Regulations:** Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and



not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: The new 18" outfall pipe will be compatible with the development and use of adjacent properties. Because it is in the floodplain, future development of any adjacent areas is extremely unlikely. Wastewater treatment effluent is normally discharged into nearby streams or rivers as proposed with this project, so this is considered to be a normal feature along waterways. Access to the area is very limited to the public, so the improvements are expected to be relatively unnoticed when complete. The new outfall sewer will be buried. For the most part, it will not be noticeable after construction is complete. The only evidence of its existence from ground surface will be the three buried manholes and the outlet headwall structure. The manholes will be four feet inside diameter and constructed of precast concrete per SUDAS standards. Each manhole will have a 26-inch diameter cast iron cover, which is typical for municipal sewer construction. Each cover will be bolted down to prevent removal or blow off during a flood event, and each will be installed with the top flush with ground surface. The small outlet headwall structure will be constructed of cast in place concrete as shown in the drawings.

Staff Comment: Wastewater treatment facilities are a conditional use in the A-1 District. The requirement for a conditional use permit is based on the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Wastewater treatment facilities do not have supplemental standards. The property on which the proposed structure is to be constructed is 28.79-gross acre parcel owned by the Story County Conservation Board with the existing Heart of Iowa Trail on it. The property is located just outside of the City of Cambridge limits, adjacent to the parcels that contain the waste water lagoon system. The parcel to the south is in agricultural production and is 21.23 acres. The floodplain encompasses the proposed parcel, the parcel to the south, and the waste water lagoon system. The proposed outfall pipe will not be seen unless on the river.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: There are no proposed buildings or surrounding properties that will be impacted by the improvements.

Staff Comment: The proposed outfall pipe is being directionally bored below ground. No transition is proposed or needed. No buffering is needed.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: It is anticipated that Cambridge Staff will access the outfall site approximately one time per year on foot (no vehicles) to observe the headwall structure and check for damage or erosion concerns. Access would be via the existing permanent easement. No other access requirements are anticipated. The Heart of Iowa Trail will not be impacted by construction of the project.



Staff Comment: The traffic impact of the proposed structure is expected to be minimal. There is no proposed increase of traffic as a part of this new outfall pipe. The Heart of Iowa Trail is not going to be impacted.

- 4. Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: There will be no parking or loading requirements associated with this project.

Staff Comment: During the construction of the outfall pipe, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. No new parking or loading is proposed for this project.

- 5. Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: There are no signs or lighting required or planned for this project.

Staff Comment: There are no signs or lighting is proposed.

- 6. Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: The project will provide improved conditions from an environmental protection standpoint for safe recreational use of the river, with improved treatment and disinfection of the wastewater. The completed project will have no negative impacts on noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds. The total estimated area that will be disturbed for construction of the outfall sewer is 0.58 acres, which is approximately 2% of the 28.79 parcel area. Because the total estimated disturbed area for construction of the project is less than one acre, an NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity or Construction Activities is not required. The Story County erosion control requirements of 88.05 (4) will be followed.

Positive environmental effects will be improved treatment of the wastewater from the City of Cambridge, compliance with effluent discharge permit limits, reduced discharge of the pollutants ammonia and E. coli to the receiving stream, and improved water quality in the receiving stream.



Staff Comment: No vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. The proposal is set to impact 2% of the natural area of the parcel, below the 15% threshold that would require any mitigation per the Story County Land Development Regulation.

If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The proposed outfall pipe will be over 150 feet from the north property line, with all other distances being greater. The proposed outfall pipe has a flap gate where the waste water will meet the river to protect from flood waters backing into the system or animals getting into the system. The outfall pipe will allow for the city to meet the IDNR ammonia and E. Coli requirements and continue to operate.

- 2. Impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The proposed outfall pipe will be below grade.

- 3. Unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: No traffic impacts are expected from this project. No increase to hazards are expected.

- 4. Diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No impacts on property values are anticipated.

- 5. Not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The proposed outfall pipe will help the city be able to meet the IDNR requirements and allow for more waste water to be treated.

B. Burden of Persuasion.



1. **The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
2. **The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.**

Commentary

The following comments are part of the official record of the proposed **City of Cambridge Wastewater Outfall Pipe CUP07-20**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – September 17, 2020

Comments from the Assessor’s Office

No comment

Comments from the Auditor’s Office

No comment

Comments from the Engineer’s Office

No comment

Comments from the Emergency Management’s Office

No comment

Comments from the Interagency Review Team and applicant responses:

Planning and Development

1. For the Conditional Use Permit Application submittal, please provide written responses to each item in Ch. 90.04 Standards of Approval. *Provided*
2. Please confirm that on the proposed outfall pipe is planned to be located in unincorporated Story County. *Yes*
3. Please provide details about what will be treated, the treatment method and process, explain the quality of water discharged, impacts to South Skunk River, and IDNR requirements. *Provided*
4. Explain the high I/I flows identified in the narrative and will any of the proposed work effect this? *Project will not effect I/I*
5. Explain further about the A1, B(WW-2) stream designation and how the “mixing zone” area where the outfall pipe is planned will impact the stream.
 - i. *B(WW-2) - Waters in which flow or other physical characteristics are capable of supporting a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water game fish populations. These waters generally consist of small perennially flowing streams.*
 - ii. *A1 - Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but*



not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

6. Has annexation of the proposed work area been discussed with the City of Cambridge and Story County Conservation? *No, Story County Conservation is not in support of annexing the parcel into the City of Cambridge.*
7. When would work commence? *March-December 2021*
8. How long will the project take? *4 weeks*
9. Will the Heart of Iowa Trail be impacted during construction? If so is there a proposed detour? *Not being impacted.*
10. A Floodplain Permit will be required for the proposed work. Conditions of the U.S. Army Corps of Engineers and Iowa Department of Natural Resources including providing a No Rise Certificate from an Iowa Licensed Engineer will be required. Understood Also please comply with Chapter 80 Story County Flood Plain Management Program. Specifically Ch 80.12 (3) A. No use shall cause any increase in the one percent annual chance or greater flood level... C. No use shall affect the capacity of conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system. D. Utilities if permitted, shall meet the applicable development standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows. Ch 80.13 (3) F Waste Water treatment facilities shall be provided with a level of flood protection equal to or greater than three (3) feet above the one percent annual chance or greater flood elevation. The base flood elevation near the proposed outfall pipe is 851'. Will the manhole covers be flush with the grade and water tight seals to protect against inundation of flood water? Flap gate information provided.
11. What is the annual expected maintenance to the outflow pipe? *Once a year*
12. Will you obtain an NPDES permit for the construction or will the proposed project be covered under the existing NPDES permit? Please provide a copy of the permit. Otherwise, Story County has requirements for erosion control for areas less than one acre disturbed found in Chapter 88.05 (4). *New NPDES is not required, will follow county requirements.*
13. The proposed construction area is in the Natural Resource Area. If over 15% of the natural areas are disturbed, mitigation requirements in Chapter 88.05 apply. Please confirm construction of the outflow pipe route will be directional bored in lieu of open trench. *Directional bored, little impact expected to natural resource area*
14. What is the estimated amount of natural areas to be disturbed? *2%*
15. Is there any other improvements to the water treatment plat planned in the next five years? If so what are they? *No improvements are planned.*
16. The CUP application submittal will be reviewed by County staff, the Planning and the Zoning Commission will make a recommendation to the Board of Adjustment at public meetings. The deadline for a CUP submittal for the October 7, 2020 Planning and Zoning Meeting is September 21, 2020. The Board of Adjustment would act on the CUP at their October 21, 2020 meeting.



Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on September 30th, 2020.

Comments from the General Public:

Planning and Development received a phone call about the project on October 16th. Caller was concerned that the pipe would be on their property. Explained where the pipe is planned to go. Caller was satisfied.

Comments from the Planning and Zoning Commission October 7, 2020 meeting:

Marcus Amman presented the Staff Report. Amman stated the request for the outfall pipe will allow for the City of Cambridge to meet the Iowa Department of Natural Resources mixing requirement for Ammonia and E. Coli. Currently the outfall pipe is within 2,000 feet of a perennial stream and does not meet the mixing requirements. The new pipe will place be downstream of the perennial stream and will allow for the city to meet the mixing requirements.

Schneider had a question about if signs stating that treated waste water is being mixed in to the stream have been considered. There was questions about people or dogs getting to the river from the Heart of Iowa Trail. Amman stated that it would be very difficult to get from the trail to the river given the elevation of the trail and the brush that surrounds the trail. Steve Van Dyke from Fox Engineering (the applicant) also stated that there is no requirements for signs for this use.

The Planning and Zoning recommends the Board of Adjustment approve the Conditional Use Permit with a vote of 7-0.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the proposed outfall pipe. The purpose of the project is to make improvements to the wastewater treatment facilities to enhance their reliability, increase capacity, and to adequately treat for Ammonia and E. Coli in order to safely and reliably operate the City of Cambridge's wastewater system for the next 20 years.
2. The outfall pipe will allow the City of Cambridge to meet IDNR requirements.
3. The outfall pipe will be buried, the only portion that will be visible is where the pipe meets the river.
4. An easement has been granted for construction and maintenance of the outfall pipe by Story County Conservation to the City of Cambridge.
5. There is no traffic anticipated for this project.
6. No impacts to the Heart of Iowa Trail are anticipated.
7. No environmental impacts are expected.

Conditions of Approval

Chapter 90.05: Recommendations on Applications

Planning and Zoning Commission Recommendation:

Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20 with the following condition:



- **The applicant shall provide ammonia and E. coli mixing study results to the Planning and Development Department after construction and mixing study is completed.**

Alternatives

The Story County Board of Adjustment may consider the following alternatives:

- 1) The Story County Board of Adjustment approves the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, as submitted.
- 2) **The Story County Board of Adjustment approves the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, with conditions.**
- 3) The Story County Board of Adjustment denies the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20.
- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Planning and Zoning Commission agenda.

DATE: September 17, 2020

TO: Story County Planning and Development

RE: Wastewater Treatment Improvements
Cambridge, Iowa
FOX PN 2473-14A

COMMENTS:

The City of Cambridge, Iowa operates a continuous discharge aerated lagoon wastewater treatment facility. This system treats sewage from Cambridge, primarily originating from domestic sources. In addition, the system also treats “Inflow and Infiltration (I&I)”, which is essentially non-sewage water that leaks into the sanitary collection system from leaky pipes, surface drain connections, sump pump connections and other sources. The aerated lagoon type of treatment employed at Cambridge has no issues handling the additional flow from these I&I sources, so this is not considered to a significant problem.

With the aerated lagoon type of treatment system, wastewater is treated over a long period of time in very large earthen lagoons. Aeration is provided by mechanical blowers and a network of diffusers on the bottom of the lagoons. The aeration helps to mix the contents of the lagoons and provides oxygen to the micro-organisms that break down the waste (BOD, TSS and ammonia described later), thereby cleaning the water. After treatment, the cleaned effluent is discharged to the South Skunk River via an existing outfall pipe.

The treatment system is located on the east side of town near the South Skunk River. The original wastewater system, including collection system and controlled discharge lagoons, were constructed in the early 1970's. One of the two original lagoons was converted to a three cell aerated lagoon in 2002. Since that time, the treatment system has performed very well; reliably and consistently meeting the effluent limitations established in the discharge permit issued by Iowa Department of Natural Resources (IDNR).

The IDNR classifies rivers and streams that receive treated wastewater from municipal wastewater treatment facilities based upon specific “designated uses”. These designated uses are determined based on field investigations and other information. After IDNR proposes the designated uses for each individual stream, the EPA must approve of them before they are formally put into place. The South Skunk River at Cambridge is designated as Class B(WW-2) and A1, and descriptions of these two designated uses are summarized below:

- Warm water - Type 2 (Class “B(WW-2)”). Waters in which flow or other physical characteristics are capable of supporting a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water game fish populations. These waters generally consist of small perennially flowing streams.

-
- Primary contact recreational use (Class "A1"). Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Each designated use has specific water quality requirements associated with it. The IDNR uses the water quality standards in their calculations for determining the limits for effluent parameters for the treatment system. These limits are then enacted in the treatment facility's National Pollution Discharge Elimination (NPDES) permit, which is issued by IDNR. With the proposed project completed, the following NPDES effluent permit limits are expected to apply to the Cambridge wastewater facility:

- Biochemical Oxygen Demand (BOD): The BOD test is a widely recognized procedure used to evaluate the organic strength of wastewater. It is also widely used to evaluate the efficiency of various treatment processes and to estimate the effects of pollution on receiving streams. This test is a measure of the quantity of dissolved oxygen required by bacteria to decompose organic materials in wastewater over a specified time period and at a specified temperature.

BOD test results are usually reported in milligrams per liter (mg/l) of oxygen consumed at the end of a five-day test period that is conducted at a constant temperature of 20 degrees C. These results are referred to as the 5-day BOD (BOD5).

The BOD5 of raw (untreated) wastewater from domestic sources will normally range from approximately 150 mg/l to 250 mg/l. Industrial discharges can cause higher or lower results. Excessive infiltration/inflow can cause lower results.

The effluent limits for BOD for the Cambridge treatment facility will be 40 mg/L (average over seven days) and 25 mg/L (average over a month).

- Total Suspended Solids (TSS): The undissolved substances in wastewater that can be retained on a laboratory filter are referred to as TSS. It is a major parameter in evaluating wastewater strength and in determining efficiency of treatment processes. It is also used to estimate effects of pollution on receiving streams. Suspended solids test results are reported in terms of milligrams per liter.

The effluent limits for TSS for the Cambridge treatment facility will be 120 mg/L (average over seven days) and 80 mg/L (average over a month).

- Ammonia: Ammonia is a gas that is very soluble in water and is the form of nitrogen most responsible for toxicity effects in aquatic life. Ammonia toxicity increases with higher temperatures and higher pH values. As a result, effluent ammonia standards vary throughout the year.

The toxic impacts of ammonia are mainly based on concentration: more dilute concentrations would have lower toxic effects. IDNR has specific rules that they use to determine what concentrations of ammonia are safe to discharge. Under these rules, the effluent ammonia concentration is not required to meet the water quality standards right out of the pipe. Instead, they allow for the beneficial impact of dilution as the effluent is mixed with the stream. This

mixing occurs in a section of the stream referred to as the “Mixing Zone”, which is typically 2,000 feet long. There are conditions which can shorten the allowed length of the Mixing Zone, such as the confluence of a perennial stream with the river (as is the case for Cambridge - see below for more details).

Anticipated ammonia limits for Cambridge are summarized in the following table. Actual ammonia levels discharged are expected to range between 1 mg/L (summer) and 15 mg/L (winter):

Anticipated Ammonia Limitations

Month	Average Month Limit, mg/L	Peak Day Limit, mg/L
January	99.5	99.5
February	58.3	58.3
March	17.2	17.2
April	21.6	21.6
May	34.4	34.4
June	33.4	33.4
July	142.3	142.3
August	108.0	108.0
September	82.5	82.5
October	49.9	49.9
November	32.3	32.3
December	112.8	112.8

- **Escherichia Coli (E. coli) Bacteria:** Coliform bacteria are organisms that grow in huge numbers in the intestines of all warm blooded animals, including humans. Their presence may be indicative of the presence of disease causing pathogens.

Coliform bacteria are measured as the “most probable number” of colonies per 100 mL sample (#/100 mL). The measure of coliform bacteria in the final effluent is a means for determining effectiveness of disinfection facilities. E. Coli is a type of coliform bacteria that is tested to determine compliance with disinfection requirements.

The effluent limits for E. Coli for the Cambridge treatment facility will be 126 #/100 mL. Disinfection is only required from March 15 through October 15, as recreational use of the river would not be expected during cold weather periods.

- **pH:** pH is a term used to express the intensity of the acid or alkaline condition of a sample. The pH scale is usually represented as ranging from 0 to 14, with pH 7 representing absolute neutrality.

The effluent limits for pH for the Cambridge treatment facility will be 6.2 to 9.0

Cambridge's current NPDES discharge permit was renewed by IDNR in May 2014. The renewed permit includes new, relatively low, ammonia limits that the existing facility cannot meet. Several alternatives were considered for addressing this situation. Initially, the City planned to install a new diffuser across the South Skunk River. The river diffuser would efficiently mix the treatment plant effluent with the entire river flow, thereby rapidly diluting the ammonia concentration. By changing the discharge in this way, IDNR would increase the ammonia limits to a level that the facility could easily meet, thereby avoiding the excessive cost of treatment upgrades.

With a height of about 1.7 feet, the river diffuser would act similarly to a low head dam. As a result, a flood study was required to document no impact on flood levels. As part of this effort, several agencies were contacted for review and comment. These included US Fish and Wildlife, IDNR Fisheries, and the IDNR River Program. IDNR Fisheries expressed concern that fish would not be able to pass the diffuser during low river flows. IDNR River Program indicated that they have been working to remove low head dams on the South Skunk River to improve recreation and safety conditions. Various options were explored for mitigating these concerns, but ultimately it was found to be difficult to address the concerns while also achieving the effluent dispersion purpose of the diffuser.

A second alternative was considered to avoid the need for a river diffuser. This alternative consists of moving the discharge point further south. The existing outfall pipe discharges just upstream of the confluence of the South Skunk River and a perennial stream. Due to the rules IDNR uses when calculating ammonia limits, this drastically shortens the length of the river that can be counted towards diluting the plant effluent (mixing zone). By moving the discharge location just downstream of the perennial stream, the mixing zone would be allowed to be set at 2,000 feet long, which is the normal standard value. When taking this into account, IDNR would increase the ammonia limits to a level that the facility can meet.

Ultimately, it was decided to move forward with relocating the outfall sewer. IDNR and the City of Cambridge agreed that this would be the best alternative for meeting discharge requirements while not impacting the safe recreational use of the river or fish movement.

Because it is slated to receive State Revolving Loan (SRF) funding, the project has gone through an extensive environmental review process. The results of this effort are summarized in the attached Environmental Information Document. The report concluded that the project would have "no significant impact".

The outfall sewer will be constructed using excavated trench methods. It will be completely buried except at the discharge point. A concrete headwall will be installed at the discharge point to protect the pipe from flood damage, and a flap gate will be installed to serve as an animal guard and prevent backflow from the river.

The outfall sewer will be constructed on land owned by the Story County Conservation Board. The parcel is located in unincorporated Story County just outside city limits. There have been no discussions or consideration of potentially annexing the parcel into the City of Cambridge. The City and Conservation Board entered into an easement agreement to allow construction of the outfall. This easement was recorded with Story County on May 29, 2020.

In addition to the outfall relocation, the project will include construction of a new ultraviolet light disinfection system. Cambridge's wastewater is currently not disinfected, so this improvement will improve safety for recreational use of the river. In addition, baffle curtains will be installed in the lagoons to further improve treatment efficiency and effluent quality.

The following addresses the criteria listed in 90.04 1.:

A. Compatibility:

- The new outfall sewer will be compatible with the development and use of adjacent properties. Because it is in the floodplain, future development of any adjacent areas is extremely unlikely. Wastewater treatment effluent is normally discharged into nearby streams or rivers as proposed with this project, so this is considered to be a normal feature along waterways. Access to the area is very limited to the public, so the improvements are expected to be relatively unnoticed when complete.
- The new outfall sewer will be buried. For the most part, it will not be noticeable after construction is complete. The only evidence of its existence from ground surface will be the three buried manholes and the outlet headwall structure.
- The manholes will be four feet inside diameter and constructed of precast concrete per SUDAS standards. Each manhole will have a 26-inch diameter cast iron cover, which is typical for municipal sewer construction. Each cover will be bolted down to prevent removal or blow off during a flood event, and each will be installed with the top flush with ground surface.
- The small outlet headwall structure will be constructed of cast in place concrete as shown in the Drawings. A very similar structure to what is proposed is shown in the following picture:



- B. Transition: There are no proposed buildings or surrounding properties that will be impacted by the improvements.

-
- C. Traffic: It is anticipated that Cambridge Staff will access the outfall site approximately one time per year on foot (no vehicles) to observe the headwall structure and check for damage or erosion concerns. Access would be via the existing permanent easement. No other access requirements are anticipated. The Heart of Iowa Trail will not be impacted by construction of the project.
- D. Parking and Loading: There will be no parking or loading requirements associated with this project.
- E. Signs and Lighting: There are no signs or lighting required or planned for this project.
- F. Environmental Protection:
- The project will provide improved conditions from an environmental protection standpoint for safe recreational use of the river, with improved treatment and disinfection of the wastewater.
 - The completed project will have no negative impacts on noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
 - The total estimated area that will be disturbed for construction of the outfall sewer is 0.58 acres, which is approximately 2% of the 28.79 parcel area.
 - Because the total estimated disturbed area for construction of the project is less than one acre, an *NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity or Construction Activities* is not required. The Story County erosion control requirements of 88.05 (4) will be followed.

The anticipated schedule for the project is summarized below:

Complete Design	October 2020
Public Bidding	December 2020
Construction	March 2021 - December 2021

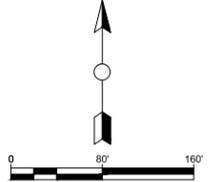
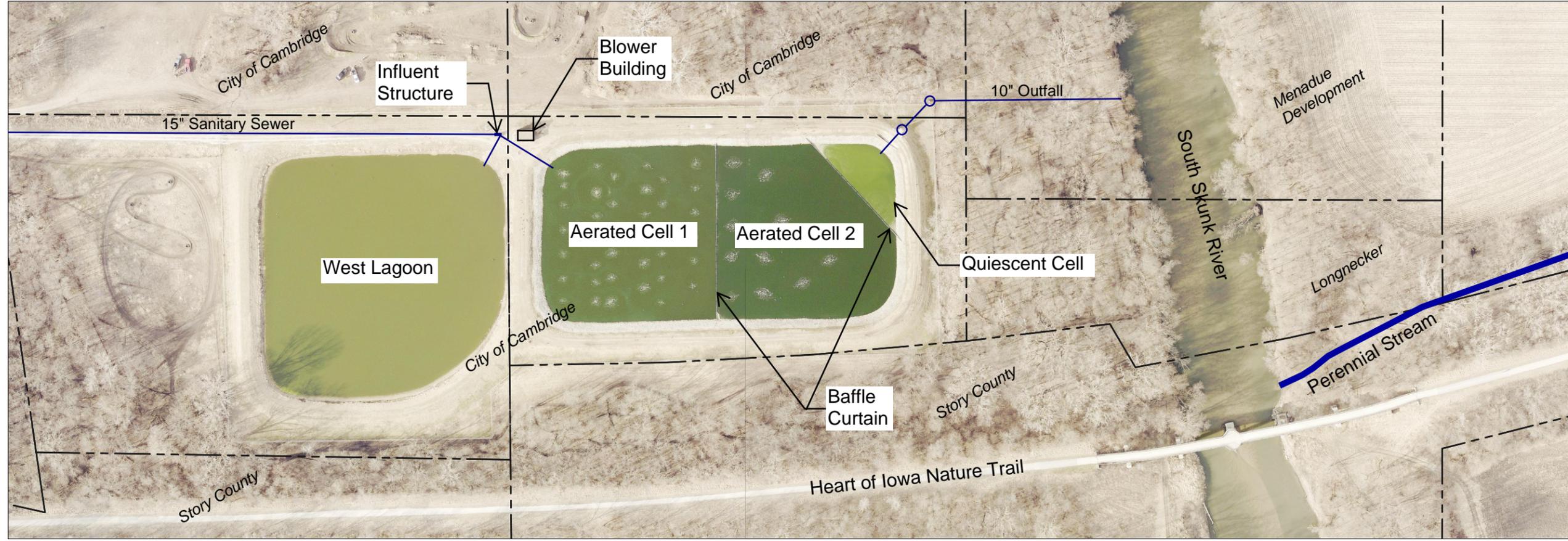
The actual amount of time required for construction of the outfall sewer is estimated at four weeks. The timing of construction during the period listed above will depend on weather and the contractor's desired schedule for the project as a whole.

No other improvements to the Cambridge Wastewater Treatment Facility are anticipated over the next five years.



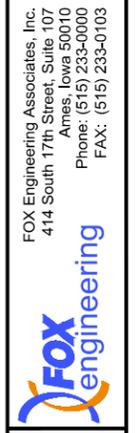
Steve Van Dyke, P.E.

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 LAYER MNGR NAME
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DATE	REVISION	BY	DATE
		DESIGNED: SAV	01/18
		DRAWN: SRS	01/18
		CHECKED:	
		LAST UPDATE: 01/02/18	

FOX Engineering Associates, Inc.
 414 South 17th Street, Suite 107
 Ames, Iowa 50010
 Phone: (515) 233-0000
 FAX: (515) 233-0103



SITE
 CAMBRIDGE WASTEWATER TREATMENT PLANT
 CAMBRIDGE, IA

PROJECT NO.
 2473-14A
 SHEET
3.2

CONDITIONAL USE PERMITS



1. Property Owner*
 (Last Name) Story County Conservation Board
 (First Name) _____
 (Address) 56461 180th Street
 (City) Ames (State) IA (Zip) 50010
 (Phone) 515-232-2516 (Email) mcox@storycountyia.gov

2. Applicant (if different than owner)
 (Last Name) City of Cambridge
 (First Name) _____
 (Address) 225 S Water Street
 (City) Cambridge (State) IA (Zip) 50046
 (Phone) 515-220-4541 (Email) cityofcambridge@huxcomm.net

3. Property Address _____ **Parcel ID Number(s)** 14-22-300-600

4. Certification and Signature
 I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.
 *Acknowledgement of property owner is required and may occur via email or by signature of this application.
 Property Owner Signature [Signature] Date 9/17/20 Applicant Signature [Signature] Date 9/17/20

There are 3 types of CUP Modifications: insignificant, minor, and major. The Director of Planning and Development makes the determination of the type. Insignificant modifications are reviewed by the director. Minor modifications are reviewed by the Board of Adjustment. Major modifications are considered new conditional use applications and follow the same review process as a new conditional use permit application.

New Conditional Use Permit
 Proposed Conditional Use: Public Water Supply and Sewage Treatment Facilities
Submittal Requirements:

- Attend conceptual review meeting (prior to submittal of CUP application, see conceptual review application and deadline on Planning and Development website)
- Filing Fee (required prior to processing): \$275
- Site development plan
- Written narrative explaining justification for proposed conditional use permit and conformance to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Conditional Use Permit Modification
 Previous CUP and Number: _____
Submittal Requirements:

- Filing Fee (required prior to processing) : \$50 (If determined to be a minor modification by the Planning and Development Director, the fee amount is \$175.)
- Site development plan
- Written narrative explaining modification of approved conditional use permit and response to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Receipt No. 570364
 Receipt Amount \$275

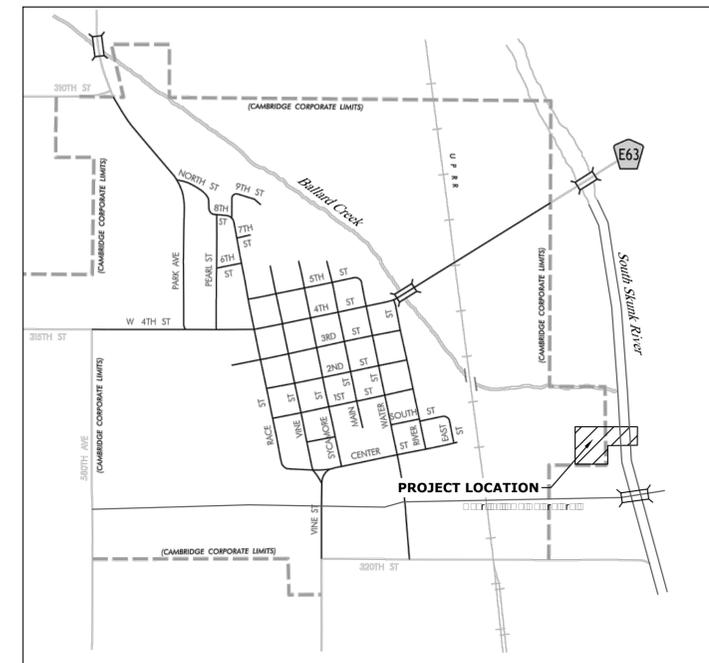
CAMBRIDGE WASTEWATER IMPROVEMENTS

CAMBRIDGE, IA

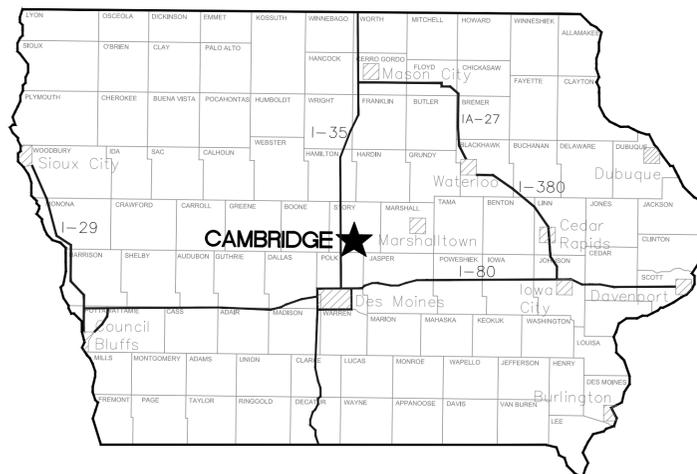
2020

LOCATION MAP

NOT TO SCALE



INDEX OF SHEETS	
No.	Description
G.1	COVER SHEET/ LOCATION MAP/LEGEND
P.1	DETAILS
P.2	OUT FALL PLAN AND PROFILE



GENERAL NOTE: ALL UTILITIES ARE ONLY GENERALLY LOCATED. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION BEFORE CONSTRUCTION BEGINS.

ENGINEER:
FOX ENGINEERING
 414 SOUTH 17TH STREET, SUITE 107
 AMES, IOWA 50010
 PHONE: 515-233-0000
 FAX: 515-233-0103



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

STEVEN A. VAN DYKE, P.E.
 License number 16044

DATE: _____
 My license renewal date is December 31, 2021.
 Pages or sheets covered by this seal: _____

CIVIL LEGEND		
EXISTING	LINEWORK	PROPOSED
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	CONCRETE PAVING
[Symbol]	[Symbol]	ASPHALT PAVING
[Symbol]	[Symbol]	SIDEWALK
[Symbol]	[Symbol]	PROPERTY LINE
[Symbol]	[Symbol]	EASEMENT
[Symbol]	[Symbol]	BUILDING SETBACK LINE
[Symbol]	[Symbol]	FENCE - BARBED WIRE
[Symbol]	[Symbol]	FENCE - CHAIN LINK
[Symbol]	[Symbol]	FENCE - VINYL
[Symbol]	[Symbol]	FENCE - WOOD
[Symbol]	[Symbol]	FENCE - SILT
[Symbol]	[Symbol]	WATER MAIN
[Symbol]	[Symbol]	STORM SEWER / CULVERT
[Symbol]	[Symbol]	STORM SEWER SUBDRAIN
[Symbol]	[Symbol]	SANITARY SEWER
[Symbol]	[Symbol]	FORCE MAIN
[Symbol]	[Symbol]	ELECTRIC - OVERHEAD
[Symbol]	[Symbol]	ELECTRIC - UNDERGROUND
[Symbol]	[Symbol]	TELEPHONE - OVERHEAD
[Symbol]	[Symbol]	TELEPHONE - UNDERGROUND
[Symbol]	[Symbol]	FIBER OPTIC
[Symbol]	[Symbol]	NATURAL GAS
[Symbol]	[Symbol]	TREE LINE
[Symbol]	[Symbol]	CROP LINE
[Symbol]	[Symbol]	RAIL ROAD TRACK
[Symbol]	[Symbol]	GROUND SURFACE CONTOURS
[Symbol]	[Symbol]	LIMITS OF CONSTRUCTION

SYMBOLS			
EXISTING	PROPOSED	EXISTING	PROPOSED
[Symbol]	[Symbol]	BOLLARD	STORM SEWER INTAKE, SW-501/ 502
[Symbol]	[Symbol]	BUSH	STORM SEWER INTAKE, SW-503/ 504
[Symbol]	[Symbol]	CABLE TV PEDESTAL	STORM SEWER INTAKE, SW-505
[Symbol]	[Symbol]	CONTROL/ TRAVERSE POINT	STORM SEWER INTAKE, SW-506
[Symbol]	[Symbol]	CURB STOP	STORM SEWER INTAKE, SW-507/ 508
[Symbol]	[Symbol]	ELECTRICAL PEDESTAL	STORM SEWER INTAKE, SW-509/ 510
[Symbol]	[Symbol]	ELECTRICAL MANHOLE	STORM SEWER INTAKE, SW-511
[Symbol]	[Symbol]	ELECTRICAL TRANSFORMER	STORM SEWER INTAKE, SW-512/ BEEHIVE
[Symbol]	[Symbol]	FIBER OPTIC PEDESTAL	STORM SEWER INTAKE, SW-513
[Symbol]	[Symbol]	GAS METER	STORM SEWER, FLARED END SECTION
[Symbol]	[Symbol]	GAS VALVE	STORM SEWER MANHOLE
[Symbol]	[Symbol]	FIRE HYDRANT	STORM SEWER SUBDRAIN CLEANOUT
[Symbol]	[Symbol]	JUNCTION BOX	TELEPHONE MANHOLE
[Symbol]	[Symbol]	LIGHT POLE	TELEPHONE PEDESTAL
[Symbol]	[Symbol]	MAIL BOX	TRAFFIC POLE
[Symbol]	[Symbol]	MANHOLE (UNKNOWN)	WATER MANHOLE
[Symbol]	[Symbol]	PROPERTY CORNER - FOUND	WATER METER
[Symbol]	[Symbol]	POWER POLE	WATER VALVE
[Symbol]	[Symbol]	RIGHT OF WAY RAIL	WITNESS POST
[Symbol]	[Symbol]	SANITARY CLEANOUT	YARD HYDRANT
[Symbol]	[Symbol]	SANITARY MANHOLE	
[Symbol]	[Symbol]	SECTION CORNER - FOUND	
[Symbol]	[Symbol]	SIGN	
[Symbol]	[Symbol]	STUMP	
[Symbol]	[Symbol]	TREE - DECIDUOUS	
[Symbol]	[Symbol]	TREE - EVERGREEN	

ABBREVIATIONS		
FG - FORM GRADE (GUTTER)	FL - FLOWLINE	BOP - BEGINNING OF PROJECT
TOC - TOP OF CURB	INV - INVERT	EOP - END OF PROJECT
TOW - TOP OF WALK	PL - PROPERTY LINE	PC - POINT OF CURVATURE
FFE - FINISH FLOOR ELEVATION	ROW - RIGHT OF WAY	PT - POINT OF TANGENCY
TOB - TOP OF BANK	PUE - PUBLIC UTILITY EASEMENT	PI - POINT OF INTERSECTION
TOE - TOE OF SLOPE	CL - CENTER LINE	

CAMBRIDGE WASTEWATER IMPROVEMENTS

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REVISION	DATE	BY	DATE

DATE	BY	DATE

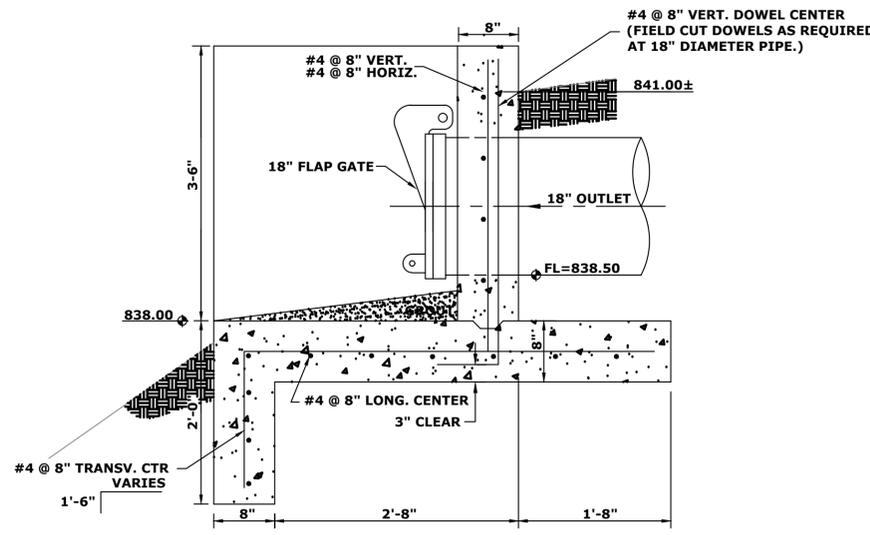
FOX Engineering Associates, Inc.
 414 South 17th Street, Suite 107
 Ames, Iowa 50010
 Phone: 515-233-0000
 Fax: 515-233-0103

COVER SHEET
 CAMBRIDGE WASTEWATER IMPROVEMENTS
 CAMBRIDGE, IA
 2020

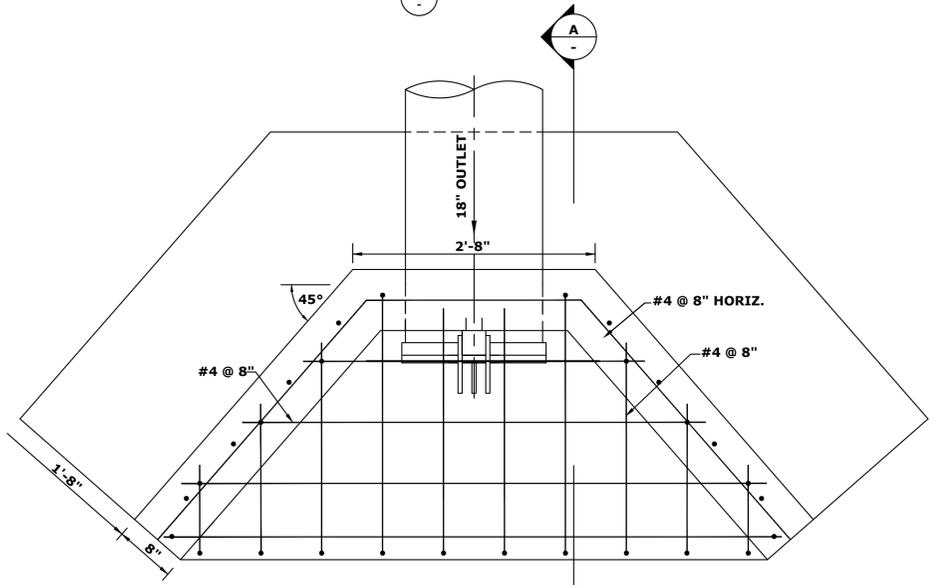
PROJECT NO.
 2473-14A

SHEET
 G.1

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 LAYER MNGR NAME
 P1



A SECTION



PLAN VIEW

1 OUTLET HEADWALL DETAIL
 1" = 1'-0" NORTH

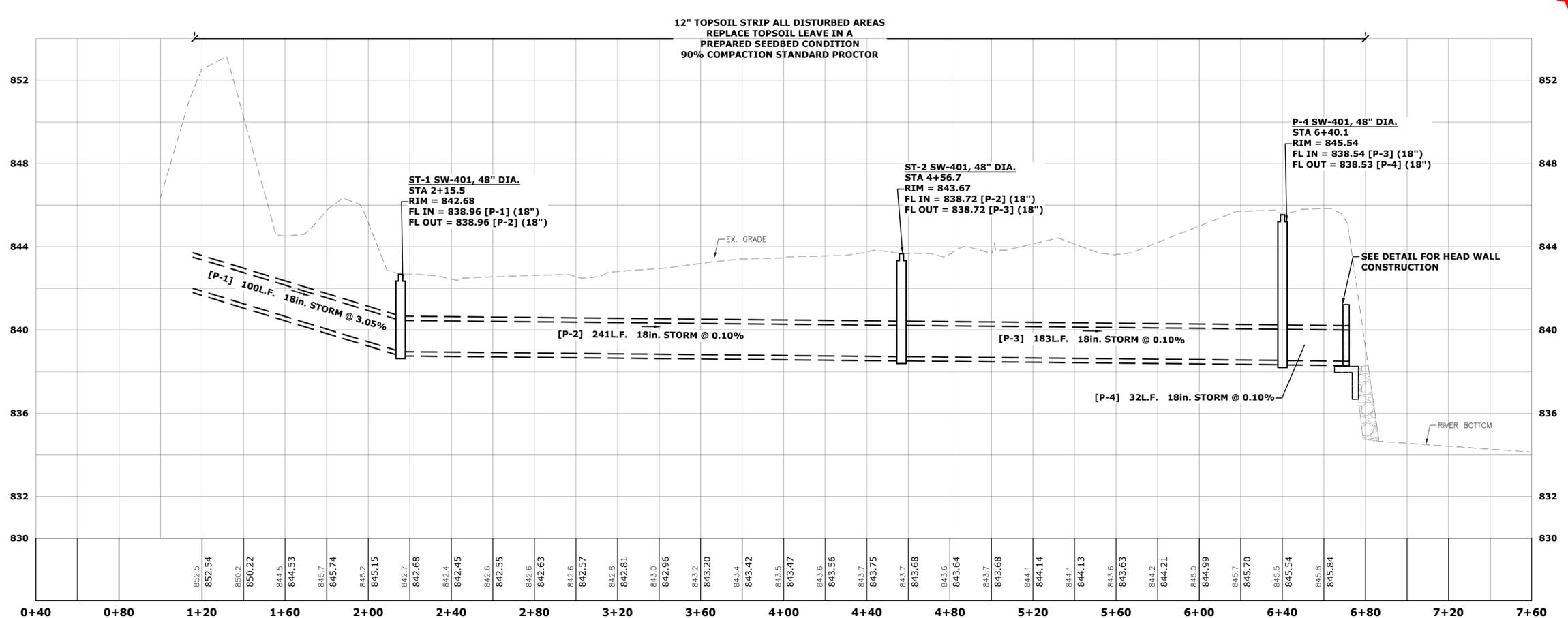
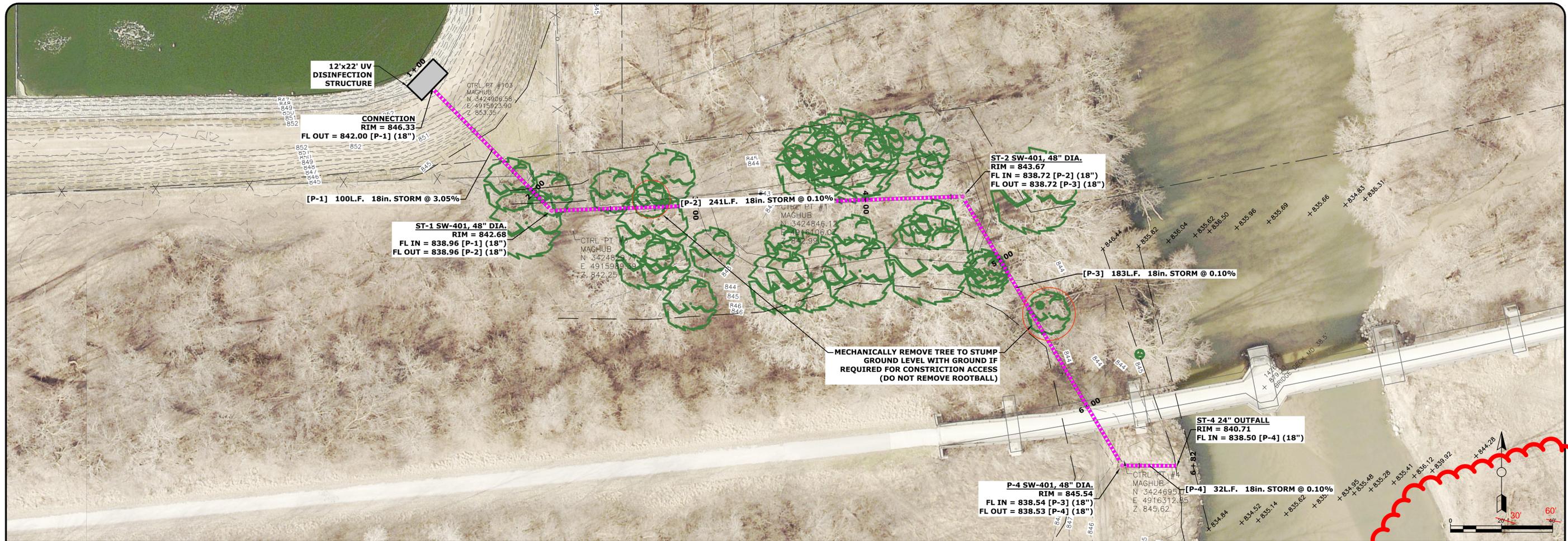
DATE	BY	DATE
	DESIGNED: ELT	01/20
	DRAWN: ELT	01/20
	CHECKED:	
	LAST UPDATE:	02/07/20

REVISION	DATE

FOX Engineering Associates, Inc.
 414 South 17th Street, Suite 107
 Ames, Iowa 50010
 Phone: (515) 233-0000
 FAX: (515) 233-0103



DETAILS
 WASTEWATER IMPROVEMENTS
 CAMBRIDGE, IA
 2020



DRAWING FILE NAME
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LAYOUT NAME
P2
PLOT STYLE TABLE
FoxGrayScale.ctb
LAYER MGR NAME

EX. GRADE
PROFILE
GRADE
STATION

EX. GRADE
PROFILE
GRADE
STATION

REVISION	DATE	BY	DATE
DESIGNED:	01/20	ELT	01/20
DRAWN:	01/20	ELT	01/20
CHECKED:			
LAST UPDATE: 02/07/20			

FOX Engineering Associates, Inc.
414 South Street, Suite 107
Amherst, MA 01001
Phone: (515) 253-0000
FAX: (515) 233-0103



OUT FALL PLAN AND PROFILE
CAMBRIDGE WASTEWATER IMPROVEMENTS
CAMBRIDGE, IA
2020
PROJECT NO.
2473-14A
SHEET
P2

Details for the flap gate we will use are attached. This information was from an earlier project, but the same size, specifications and design will apply. The gate will be designed for 20 feet of water pressure from the river.

ENGINEERING STANDARDS**Whipps, Inc.**

370 South Athol Rd, Athol MA 01331

DATE
07/16/18DRAWN BY
KSS.O. NUMBER
27439**STAINLESS STEEL FLAP GATES**DRAWING NUMBER
A-274-392REV
A

WELDING TO AWS D1.6

FLAP

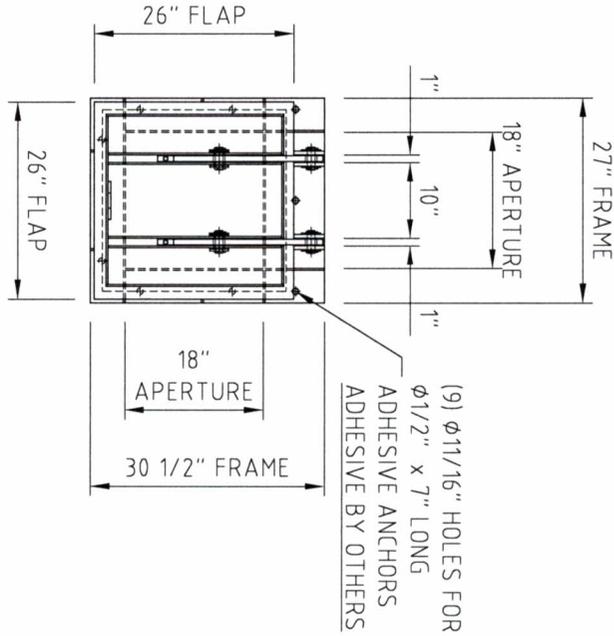
- MIN THICKNESS 1/4" ALL PARTS
- MAX BENDING STRESS 15,000 PSI
- MAX BENDING DEFLECTION < 1/360 OF SPAN OR 1/16 INCH WHICH EVER IS LESS

FRAME

- MIN THICKNESS 1/4" ALL S.S. PARTS

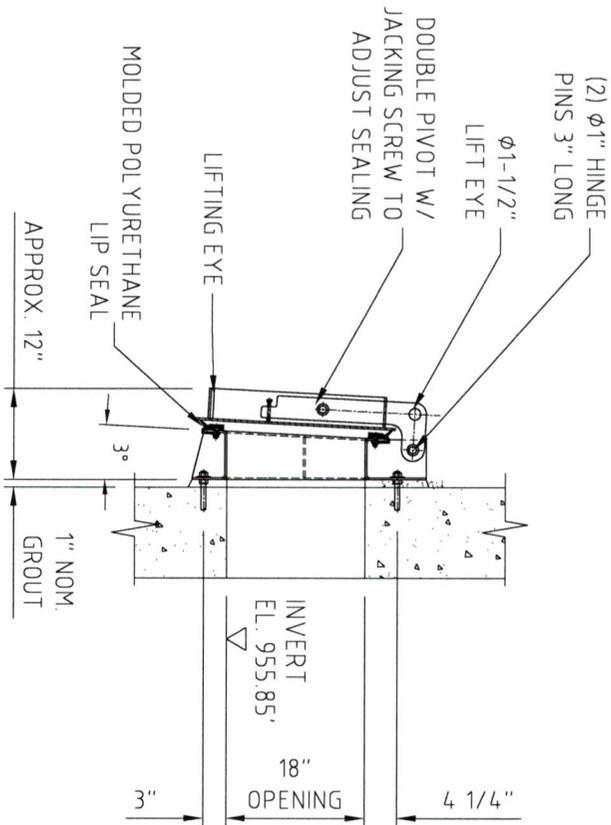
MATERIAL STANDARDS

FLAP	ASTM A240 TYPE 304L STAINLESS STEEL
FLAP STIFFENERS	ASTM A240 TYPE 304L STAINLESS STEEL
FRAME	ASTM A240 TYPE 304L STAINLESS STEEL
HINGE ARMS	ASTM A240 TYPE 304 STAINLESS STEEL
1" DIA. HINGE PINS	ASTM A276 TYPE 304 STAINLESS STEEL
HINGE BUSHINGS	ASTM D4020 UHMWPE
GATE FRAME SEAL	MOLDED POLYURETHANE
GATE FASTENERS	ASTM A276 TYPE 304 STAINLESS STEEL
GATE ANCHORS	ASTM A276 TYPE 316 STAINLESS STEEL

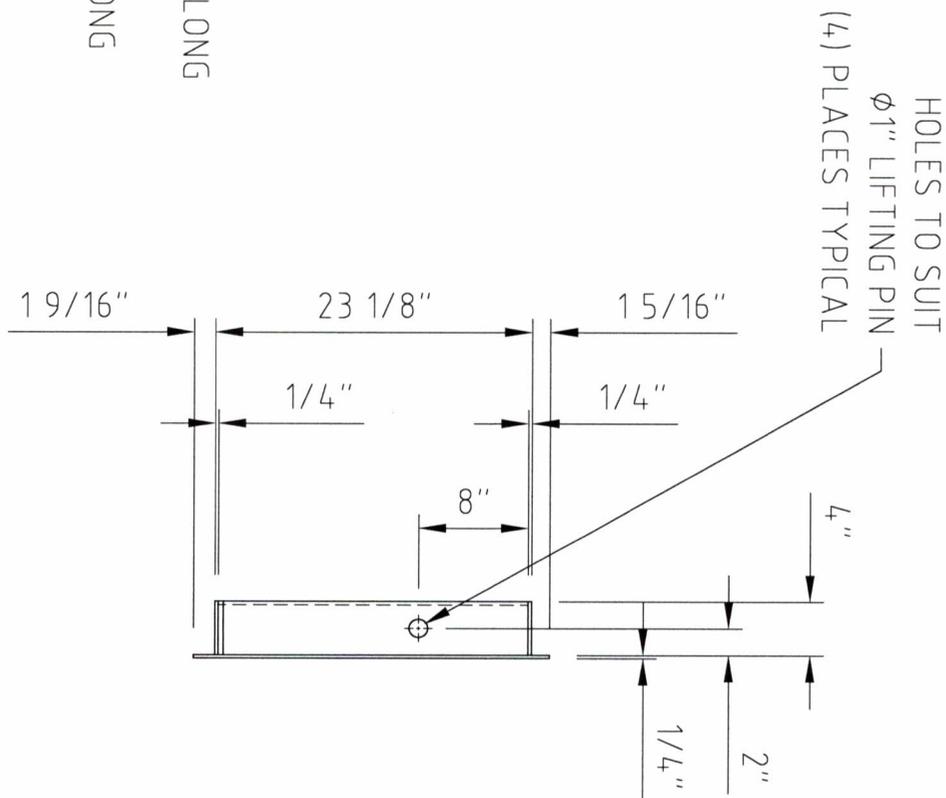
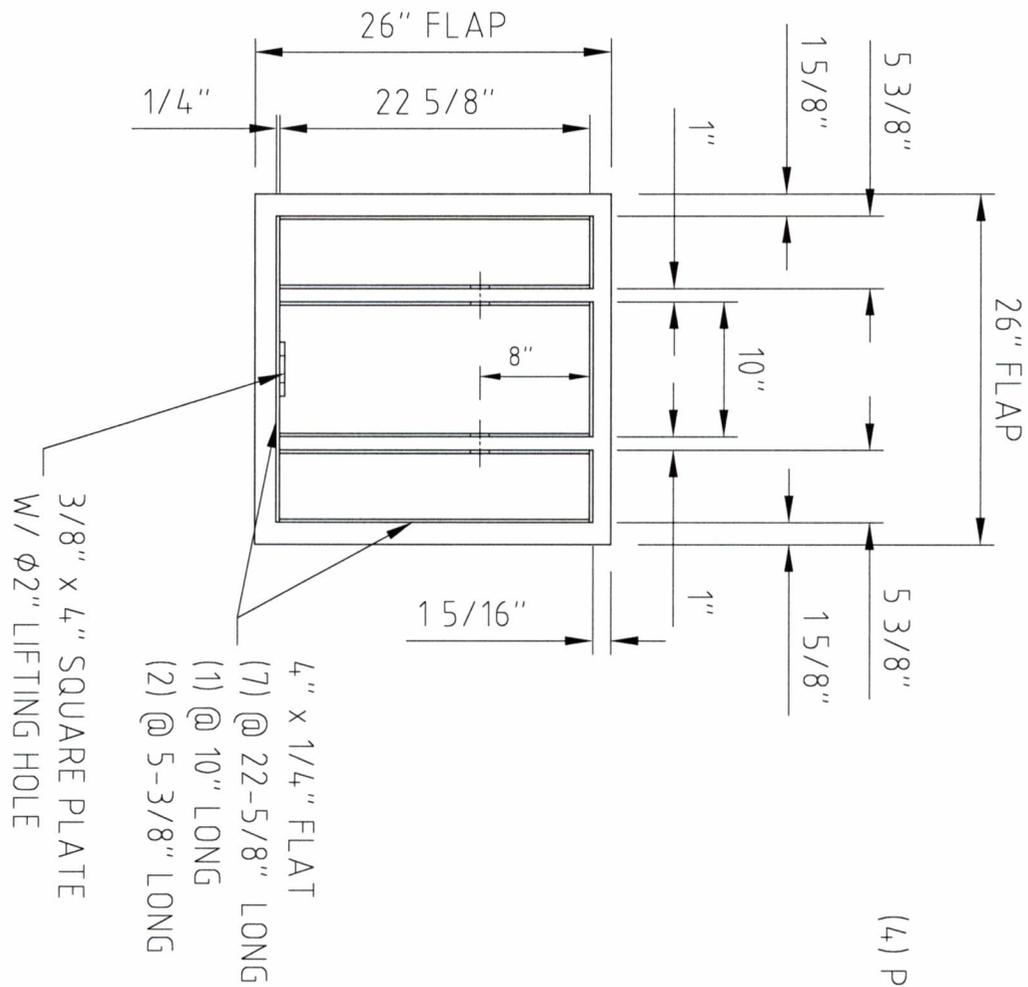


FOR FLAP DETAIL SEE: BC-452-2062-S2
 FOR FRAME DETAIL SEE: BC-452-2062-S3
 FOR HINGE ARM DETAIL SEE: BC-452-2062-S4

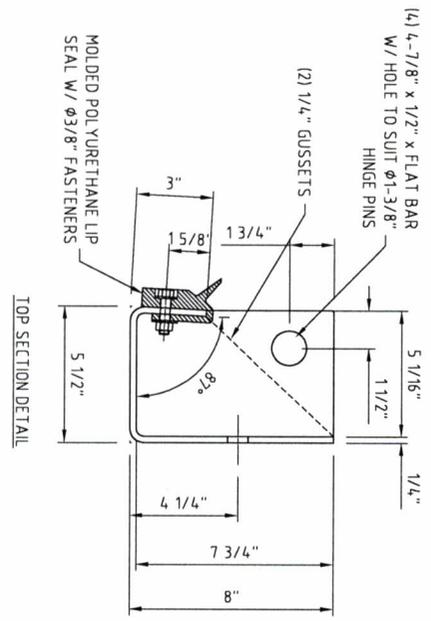
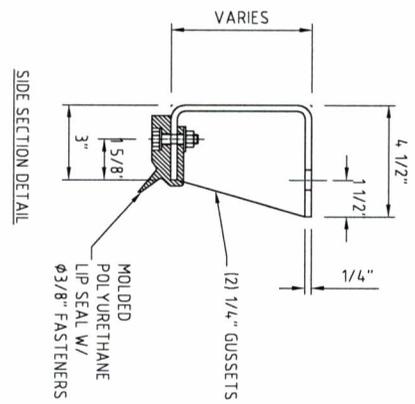
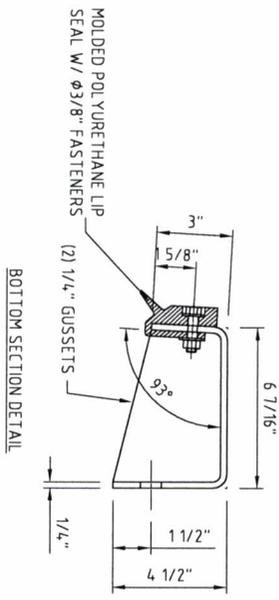
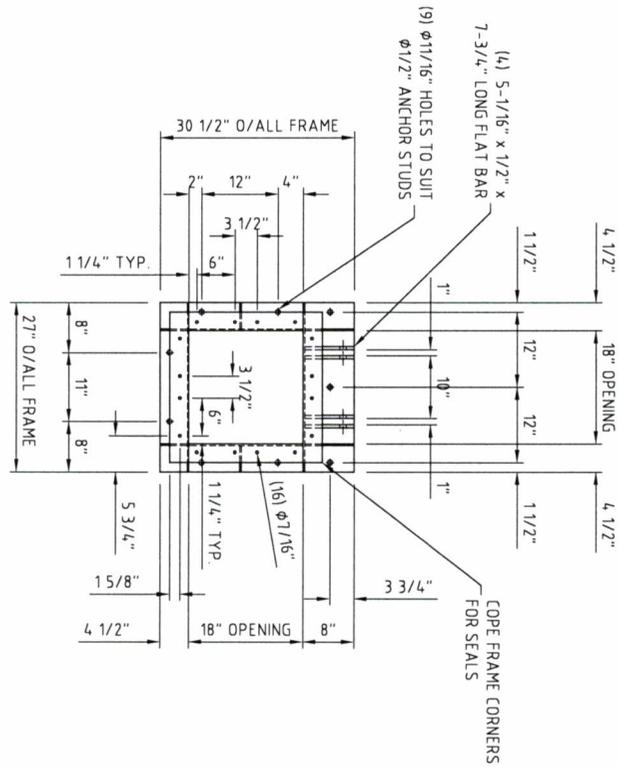
ALL FRAME SECTIONS 1/4" THICK TYPICAL
 OUTER FLAP STIFFENERS: 4" x 1/4" FLAT TYPICAL
 VERTICAL FLAP STIFFENERS: 4" x 1/4" FLAT TYPICAL
 HORIZONTAL FLAP STIFFENERS: 4" x 1/4" FLAT TYPICAL



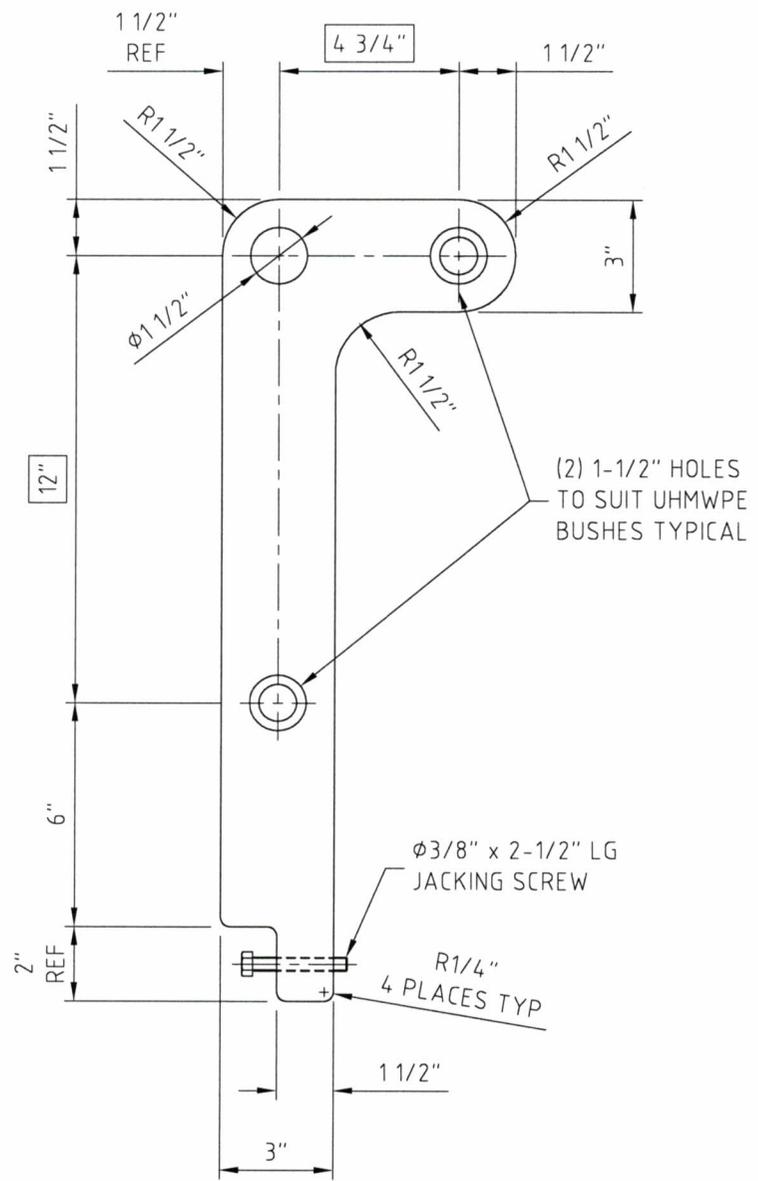
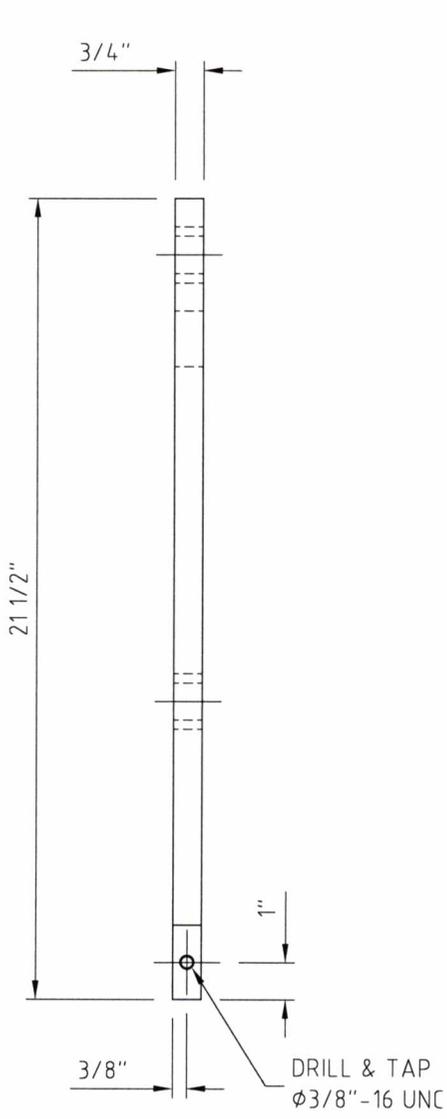
Title SERIES 452 FLAP GATE INSTALL 18" x 18"		Quantity: 1	Scale: 1:25	DO NOT SCALE THIS DRAWING Work to Dimensions Linear Dimensions are Inches					
Project GILBERT, IA		Tag No's:		Requested Concrete Opening Tolerances Height & Width $\pm 1/4"$ Squareness $\pm 3/8$ Diagonal		A	Original Issue	07/16/18	KS
Location CELL #1 CONTROL STRUCTURE		Design Head	20'	0'		Rev.	Rev. Record	Date	Eng. Chk.
Dwg. No. BC-452-2062	S.O. No. 27439	Leakage Rate GPM/ft of seal	0.1	-	THIRD ANGLE PROJECTION	Whipps, Inc.		370 SOUTH ATHOL RD. ATHOL, MA 01351	



Title 18" x 18" SERIES 452 FLAP DETAIL	Quantity: 1	Scale: 1:20	DO NOT SCALE THIS DRAWING Work to Dimensions Linear Dimensions are in Inches Requested Concrete Opening Tolerances Height & Width ±1/4" Squareness ±3/8 Diagonal			
	Material: STAINLESS STEEL 304L			A Original Issue Rev. Rev. Record	07/16/18 Date	KS Eng. Chk.
Dwg No. BC-452-2062-S2 S.O. No. 27439			THIRD ANGLE PROJECTION	Whipps, Inc. 370 SOUTH ATHOL RD ATHOL, MA 01331		



Title 20" x 20" SERIES 452 FRAME DETAIL	Quantity: 1	Scale: 1:20	DO NOT SCALE THIS DRAWING Work to Dimensions Linear Dimensions are in inches			
			Requested Concrete Opening Tolerances Height & Width $\pm 1/4"$ Squariness $\pm 3/8$ Diagonal		A Original Issue 07/16/18 KS Rev. Rev. Record Date Eng. Chk.	
Material: STAINLESS STEEL 304L			Whipps, Inc. 370 SOUTH ATHOL RD ATHOL, MA 01331			
Dwg No BC-452-2062-S3 S.D. No. 27439						



Title		DO NOT SCALE THIS DRAWING Work to Dimensions Linear Dimensions are Inches					
SERIES 452 FLAP GATE HINGE ARM DETAIL		Scale: 1:5		A	Original Issue	07/16/18	KS
Material STAINLESS STEEL 304L		THIRD ANGLE PROJECTION		Rev.	Rev. Record	Date	Eng. Chk.
Drg No. BC-452-2062-S4		S.O. No. 27439		Whipps, inc.			
				370 SOUTH ATHOL RD. ATHOL, MA 01331			

ADHESIVE ANCHOR RECOMMENDATIONS

ADHESIVE SUPPLIED BY INSTALLER TO BE:

- HILTI HIT RE500 EPOXY ADHESIVE
- ITW RAMSET / REDHEAD EPCON CERAMIC 6 EPOXY ADHESIVE
- OR APPROVED EQUAL

Whipps Inc. Supplies the Threaded Rod, Nuts & Washers required for installation.

Unless otherwise noted, the embedment depth required for each size anchor will be

Anchor Diameter	Embedment Depth
1/2"	4-1/2"
5/8"	6"
3/4"	7"
7/8"	8"
1"	9"



Board of Adjustment

October 21st, 2020

CUP07-20 Cambridge Waste Water Outfall Pipe

Applicant

City of Cambridge

Steve Van Dyke Fox Engineering

Property Location

East of Center Street

Cambridge, IA 50046

14-22-300-600

Property Owner

Story County Conservation

Districts

A-1 Agriculture

Cambridge Fire

Story County Ambulance

Story County Sheriff

Nature of Request

- **New Conditional Use Permit Application**
- **Request includes:**
 - Proposed treated waste water outfall pipe

History

The City of Cambridge is proposing the construction of a new waste water outfall pipe from their existing lagoon system. The current outfall pipe does not meet the distance requirements for ammonia and E. Coli mixing measurements. The proposed outfall pipe would allow for the city to meet IDNR ammonia and E. Coli mixing requirements at a distance of 2,000 feet from the closest creek. The proposed pipe will be directionally bored to the new outlet location on the south side of the Heart of Iowa bridge that goes over the South Skunk River on property owned by Story County Conservation. The Story County Planning and Zoning Commission are recommending that the Story County Board of Adjustment approves the Conditional Use Permit with a condition.

Proposed Site Location



East side of Cambridge
Union Township
Section 22 SWSW

Proposed Site Location



Heart of Iowa Trail Facing East



Heart of Iowa Trail Facing North



Heart of Iowa Trail Facing West



Heart of Iowa Trail Facing South



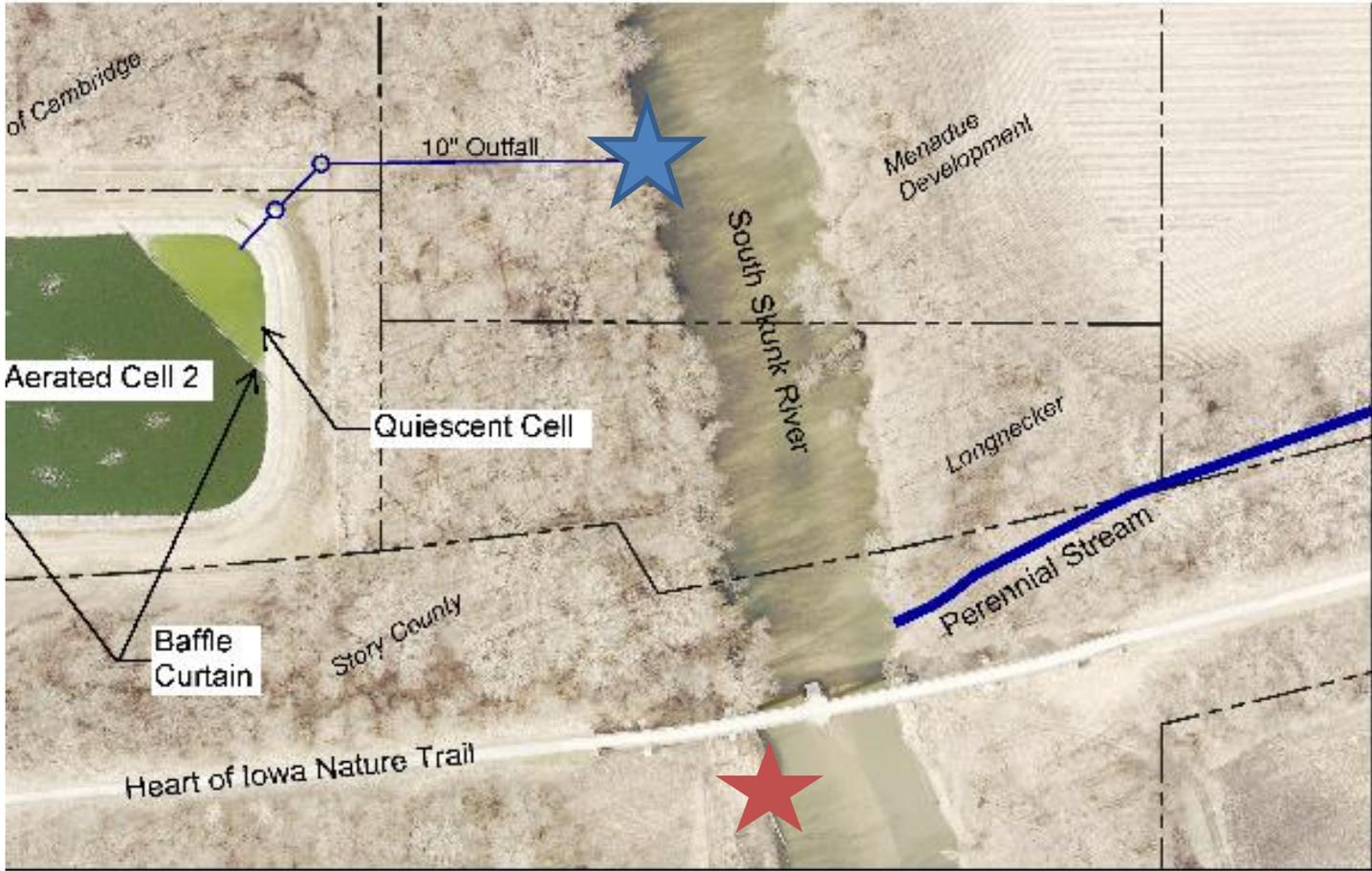
Approximate location of Outfall Pipe facing South



Approximate location of Outfall Pipe facing North



Location of Perennial Stream



Conditional Use Permit

STANDARDS OF APPROVAL



Compatibility

- **The new 18” outfall pipe will be compatible with the development and use of adjacent properties. Because it is in the floodplain, future development of any adjacent areas is extremely unlikely. Wastewater treatment effluent is normally discharged into nearby streams or rivers as proposed with this project, so this is considered to be a normal feature along waterways. Access to the area is very limited to the public, so the improvements are expected to be relatively unnoticed when complete.**
- **The new outfall sewer will be buried. For the most part, it will not be noticeable after construction is complete. The only evidence of its existence from ground surface will be the three buried manholes and the outlet headwall structure**

Transition

- **The proposed outfall pipe is being directionally bored below ground. No transition is proposed or needed. No buffering is needed.**

Traffic

- **It is anticipated that Cambridge Staff will access the outfall site approximately one time per year on foot (no vehicles) to observe the headwall structure and check for damage or erosion concerns. Access would be via the existing permanent easement. No other access requirements are anticipated. The Heart of Iowa Trail will not be impacted by construction of the project.**

Parking and Loading

- **During the construction of the outfall pipe, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. No new parking or loading is proposed for this project.**

Signs and Lighting

- There are no signs or lighting is proposed.

Environmental Protection

- **The project will provide improved conditions from an environmental protection standpoint for safe recreational use of the river, with improved treatment and disinfection of the wastewater. The completed project will have no negative impacts on noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds. The total estimated area that will be disturbed for construction of the outfall sewer is 0.58 acres, which is approximately 2% of the 28.79 parcel area. Because the total estimated disturbed area for construction of the project is less than one acre, an NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity or Construction Activities is not required. The Story County erosion control requirements of 88.05 (4) will be followed.**

Analysis

If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
2. impair an adequate supply (including quality) of light and air to surrounding properties.
3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.
4. diminish or impair established property values on adjoining or surrounding property.
5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.

Select Comments from the Interagency Review Team

Concept Review

Planning and Zoning Department:

1. For the Conditional Use Permit Application submittal, please provide written responses to each item in Ch. 90.04 Standards of Approval.
Provided
2. Please confirm that on the proposed outfall pipe is planned to be located in unincorporated Story County. *Yes*
3. Please provide details about what will be treated, the treatment method and process, explain the quality of water discharged, impacts to South Skunk River, and IDNR requirements. *Provided*
4. Explain the high I/I flows identified in the narrative and will any of the proposed work effect this? *Project will not effect I/I*

Select Comments from the Interagency Review Team

Concept Review

Planning and Zoning Department:

5. Explain further about the A1, B(WW-2) stream designation and how the “mixing zone” area where the outfall pipe is planned will impact the stream.
 - i. *B(WW-2) - Waters in which flow or other physical characteristics are capable of supporting a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water game fish populations. These waters generally consist of small perennially flowing streams.*
 - ii. *A1 - Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.*

6. Has annexation of the proposed work area been discussed with the City of Cambridge and Story County Conservation? *No, Story County Conservation is not in support of annexing the parcel into the City of Cambridge.*

Conceptual Review

September 17, 2020

Comments from the Assessor's Office

No comment

Comments from the Auditor's Office

No comment

Comments from the Engineer's Office

No comment

Comments from the Emergency Management's Office

No comment

Public Notice

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on October 1, 2020, regarding the Conditional Use Permit application.

Planning and Development received a phone call about the project on October 16th. Caller was concerned that the pipe would be on their property. Explained where the pipe is planned to go. Caller was satisfied.

Points to Consider

- 1. Applicant addressed the need for the proposed outfall pipe. The purpose of the project is to make improvements to the wastewater treatment facilities to enhance their reliability, increase capacity, and to adequately treat for Ammonia and E. Coli in order to safely and reliably operate the City of Cambridge's wastewater system for the next 20 years.**
- 2. The outfall pipe will allow the City of Cambridge to meet IDNR requirements.**
- 3. The outfall pipe will be buried, the only portion that will be visible is where the pipe meets the river.**
- 4. An easement has been granted for construction and maintenance of the outfall pipe by Story County Conservation to the City of Cambridge.**
- 5. There is no traffic anticipated for this project.**
- 6. No impacts to the Heart of Iowa Trail are anticipated.**
- 7. No environmental impacts are expected.**

Planning and Zoning Commission

October 7th Meeting

Marcus Amman presented the Staff Report. Amman stated the request for the outfall pipe will allow for the City of Cambridge to meet the Iowa Department of Natural Resources mixing requirement for Ammonia and E. Coli. Currently the outfall pipe is within 2,000 feet of a perennial stream and does not meet the mixing requirements. The new pipe will place be downstream of the perennial stream and will allow for the city to meet the mixing requirements.

Schneider had a question about if signs stating that treated waste water is being mixed in to the stream have been considered. There was questions about people or dogs getting to the river from the Heart of Iowa Trail. Amman stated that it would be very difficult to get from the trail to the river given the elevation of the trail and the brush that surrounds the trail. Steve Van Dyke from Fox Engineering (the applicant) also stated that there is no requirements for signs for this use.

Planning and Zoning Commission Recommendation

Planning and Zoning Commission recommends approval of the Conditional Use Permit for the proposed waste water outfall pipe with a condition based on a site review, comments received, the information provided in this staff report, and material provided by the applicant as put forth in case CUP07-20 with a 7-0 vote at their October 7th meeting. The recommended condition is:

- The applicant shall provide ammonia and E. coli mixing study results to the Planning and Development Department after construction and mixing study is completed.

Board of Adjustment Alternatives

The Story County Board of Adjustment may consider the following alternatives:

1. The Story County Board of Adjustment approves the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, as submitted.
2. **The Story County Board of Adjustment approves the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, with a condition.**
3. The Story County Board of Adjustment denies the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20.
4. The Story County Board of Adjustment remands the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Planning and Zoning Commission agenda.



Story County Planning and Development
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900 6th Street, Nevada, Iowa 50201

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MEMORANDUM

TO: Story County Board of Adjustment
FROM: Amelia Schoeneman, Interim Planning and Development Director
RE: Special Meeting of the Board of Adjustment for November 2020
DATE: October 21, 2020

The Board of Supervisors have scheduled a special meeting for a public hearing on a new ordinance regulating septic systems on November 18, 2020, at 6:30 PM. The meeting is scheduled for the public meeting room. The regular November meeting of the Board of Adjustment is scheduled for November 18, 2020, at 4 PM.

In the interest of allowing adequate time between the special Board of Supervisors meeting and the Board of Adjustment meeting, and ensuring the room is available, staff recommends holding a special November meeting at 3 PM on November 18, 2020. Staff is not aware of any cases that will be on the agenda and the deadline for a submittal is November 2.





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MEMORANDUM

TO: Story County Board of Adjustment
FROM: Amelia Schoeneman, Interim Planning and Development Director
RE: Proposed amendment to the Board of Adjustment Rules of Procedure
DATE: October 21, 2020

Planning and Development staff is proposing to amend the Board of Adjustment Rules of Procedure to conform with HF 2512, the recent legislation limiting the board's membership to be eligible electors and reside within the area regulated by the County Zoning Ordinance (unincorporated area). The Rules of Procedure previously stated that a majority of members were required to live in the unincorporated area. The proposed amendment states that all members shall live in the unincorporated area. Planning staff recommends that the Board of Adjustment support amending the Rules of Procedure to be in conformance with state law.





STORY COUNTY BOARD OF ADJUSTMENT RULES OF PROCEDURE

I. INTENT

These rules have been adopted to ensure:

- A. The efficient and orderly conduct of business,
- B. That all points of view are heard,
- C. That the interests of both the appellant/applicant and the public are protected.

Any interpretation of these rules should be consistent with this intent.

II. ELECTION OF OFFICERS

A Board of Adjustment shall consist of five members, ~~a majority of whom~~ all of whom shall reside within the County but outside the corporate limits of any city, appointed by the Board of Supervisors. Terms shall be five years and vacancies shall be filled by the Board of Supervisors for the unexpired term of any member whose term becomes vacant. The Board shall elect a chair and vice-chair from among its members at the last scheduled meeting of the calendar year. The term for each position shall be from the first meeting to the last meeting of the next calendar year.

III. DUTIES OF OFFICERS

A. CHAIR

- I. The chair shall:
 - a. preside at all meetings of the Board and conduct hearings,
 - b. decide all points of order and rule as necessary on questions relating to cases not specifically addressed by these rules for the orderly and fair conduct of hearings,
 - c. administer oaths and compel the attendance of witnesses,
 - d. work in conjunction with the Planning and Development Director in the preparation of agendas.
- II. The Board may overrule the chair by a majority vote of the members present and voting.
- III. The chair is a voting member of the Board and shall be counted for the purpose of determining a quorum.

B. VICE CHAIR

The Vice Chair shall assume the duties of the chair in his/her absence.

C. SECRETARY

The Planning and Development Director or his/her designee shall act as secretary to the Board. The secretary shall:

- I. Record and maintain a permanent record of Board proceedings and minutes showing the date, time, location, members present and the action taken at each meeting. Minutes shall show the result of each vote taken.
- II. Keep records of the Board's examinations and other official actions.
- III. Accurately summarize the testimony of those appearing before the Board.
- IV. Record names and addresses of all persons appearing before the Board.
- V. Conduct correspondence of the Board.
- VI. Provide notices of meetings as required by law.
- VII. File records of Board action in the office of the Board, such records shall be public.
- VIII. Be custodian of the files of the Board and keep all records.

IV. CASES TO BE DECIDED BY THE BOARD

- A. Appeals of any order, requirement, decision or determination made by the Planning and Development Director in the enforcement of the Code of Ordinances. The Planning and Development Director, when making an order, requirement, decision or determination shall inform the affected party of his/her rights of appeal.
- B. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the Planning and Development Director in the enforcement of the Code of Ordinances.
- C. To hear and decide applications for variance of height, area, setback, parking or density requirements to the extent necessary to permit the applicant a reasonable use of his/her property.
- D. To hear and decide variances to the Floodplain as mapped by the Federal Emergency Management Agency (FEMA) and adopted by the Story County Board of Supervisors.
- E. To hear and decide exceptions to the terms of the Code of Ordinances as contained in the Ordinance.
- F. To hear and decide applications for Conditional Use Permits.

V. PROCEDURE FOR APPEAL/APPLICATION

- A. Appeal/Application
 - I. Must be presented in written form to the Planning and Development Director.
 - II. Must clearly state the action being appealed and the relief sought, or the Conditional Use Permit being applied for. Additional information may be requested by the Planning and Development Director or the Board.
 - III. Must be accompanied by a filing fee.
 - IV. Must be filed with the Planning and Development Director within thirty days of the ruling complained of.
- B. The Planning and Development Director shall:
 - I. Deposit filing fee in County Rural Services fund and issue a receipt to the appellant/applicant.
 - II. Assign a case number to the appeal/application.
 - III. Gather all relevant documents together into a case file.
 - IV. Determine date for hearing.
 - V. Notify appellant/applicant and surrounding landowners.
 - VI. Forward the application/appeal and relevant materials to the Board members along with agenda.
 - VII. Provide notice of hearing.

VI. MEETINGS

- A. All meetings are open to the public in accordance with Chapter 21, Code of Iowa, as amended.
- B. Meetings shall be scheduled to occur within 40 days of an appeal being filed pursuant to the Story County Code of Ordinances, or when called by the Chair.
- C. **Quorum:** Three members of the Board, including the Chair, shall constitute a quorum.
- D. **Order of Business:** The agenda will be prepared and sent to the Board four to six days prior to the hearing date and shall include:
 - I. Call to Order
 - II. Roll Call
 - III. Approval of Agenda
 - IV. Minutes of Previous Meeting(s)
 - V. Public Comment
 - VI. Hearings
 - VII. Other Business
 - VIII. Board/Staff Comments
 - IX. Adjournment

The order is subject to the will of the Board.

E. Voting

- I. Concurring vote of three members of the Board are required to reverse any order, requirement, decision, or determination of the Director or to decide in favor of the applicant in any matter acted upon by the Board as required under this ordinance.
 - II. Roll call vote is required on all resolutions.
 - III. Affirmative voice vote by a majority of members present and voting is acceptable in approval of minutes and motions pertaining to Board procedure.
 - IV. The order of roll call shall be rotated for each action.
- F. **Ex-parte Contacts:** Any contact though e-mail, phone, in-person, or in such similar fashion that a Board member may have with a party involved, or potentially involved, in a matter before the Board and outside of the hearing process is known as an "ex-parte" contact. Any substantive information or facts that a Board member may receive during the course of those contacts that relates to the matter at hand shall be made a part of the public record so that it can be available for consideration or challenge by all interested parties. This shall be done by way of a public statement by the Board member prior to the presentation of the matter under consideration at the Board's meeting.
- G. **Conflict of Interest:** A Board member shall abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature or otherwise. A member who elects to abstain from voting shall state the reason for the abstention prior to the presentation of the matter under consideration. During the presentation and discussion of the matter under consideration, a member who plans to abstain from voting should remove him/herself from the proceedings and from taking any action on the issue or attempting to persuade any other member of the Board to act in any specific direction. Board members may not receive any type of gift for their own personal use or enjoyment related to transaction of their official Board duties.
- H. **Continuances:** The Board may postpone decision on a case until a later meeting to enable additional testimony to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the members present and voting. The Board may reconsider the item at any time, however may not take final action on the item unless a quorum is present and such action receives a concurring vote of at least three member of the Board.

VII. HEARINGS

- A. Notice of hearings shall be given according to the Code of Ordinances and Code of Iowa.
- B. Hearings will be conducted in an orderly and courteous manner. No abusive, demeaning, or harassing statements or questions will be tolerated. Persons disrupting a meeting of the Board may be ejected.
- C. Appellant/Applicant may appear on his/her own behalf or may be represented by an agent or counsel. In the absence of a personal appearance on behalf of the applicant the Board may proceed to dispose of the case on the evidence of forms and information provided before.
- D. The Code of Ordinances gives the Board the power to compel testimony. Subpoenaed witnesses will be placed under oath; other witnesses, including the appellant/applicant, may be placed under oath.
- E. **Order of Hearing:**
 - I. The Chair will open the hearing at the appropriate time according to the Agenda and make whatever opening statement he/she deems appropriate, including rules for the hearing and any time limits that will be imposed.
 - II. The Planning and Development Director or County Staff will present a report on the detailed information and observations regarding the request.
 - III. The appellant/applicant will be recognized to present his/her case, and may present any information and exhibits and call witnesses as necessary to justify the request. Testimony by witnesses will be in the form of narrative statements addressed to the Board. Appellant/Applicant may be assisted by legal counsel in delivery of their narrative.
 - IV. Any witnesses subpoenaed by the Board may be called to testify. They will be questioned only by the Board.
 - V. Members of the public are recognized to make statements. No particular order is required. All

interested parties shall be heard, except that repetitious testimony may be ruled out of order by the Chair. The Chair may place time limits on public testimony if deemed necessary.

VI. After all interested parties have been heard, the hearing shall be closed to public comment and the appellant/applicant will be recognized to make a closing statement.

VII. The Board shall then deliberate the case, formulate a resolution and vote thereon. No motion need be made to enable discussion, but any resolution must be moved and seconded and further discussion will be allowed before the vote. No comment by the appellant/applicant or the public will be recognized during deliberations by the Board, but the Board may question anyone present. The Board may examine subpoenaed witnesses at this time.

VIII. The Board shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony. All records, data, plats, drawings, plans and models shall be allowed as exhibits and retained as part of the case file. The Chair shall rule on questions relating to the admissibility of evidence, which may be overruled by a majority of the Board present and voting.

F. A copy of the Board's resolution accompanied by a cover letter from the Planning and Development Director is mailed to the appellant/applicant within fourteen days after the hearing.

VIII. REHEARINGS

A. A rehearing may occur at the will of the Board upon:

I. Request by the original appellant/applicant alleging new evidence, or

II. Action by the Board because of alleged fraud or misrepresentation at the original hearing.

A rehearing will be set by a motion by a Board member supported by a majority of the Board.

IX. APPEALS OF BOARD ACTIONS

Decisions of the Board are final and dissatisfied parties may appeal to District Court.

X. RECORDS

The Planning and Development Director shall keep the minutes of proceedings and all records of case. All records are public.

XI. INFORMAL ADVICE

The Board will not consider a request (informal or not) for advice on theoretical or actual situations which potentially may later come before the Board as an appeal or application.

XII. OFFICE

Correspondence to the Board shall be directed to the Story County Planning and Development Director.

XIII. AMENDMENTS TO PROCEDURAL RULES

These rules may be amended by an affirmative vote of three members of the Board. Amendments shall become effective at the meeting subsequent to the meeting in which the vote to amend was taken.

ADOPTED: February 16, 1982

AMENDED: July 17, 2002
March 5, 2008
May 6, 2009
November 5, 2014
December 18, 2019
October 21, 2020