



Story County Planning and Development  
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## MEMORANDUM

**TO:** Story County Planning and Zoning Commission  
**FROM:** Jerry L. Moore, Planning and Development Director  
**RE:** When Story County Attorney's Office Staff Assistance Is Requested  
**DATE OF MEETING:** August 5, 2020

### Background

During the time Planning and Development staff was responding to HF 2512 that addressed the removal of Planning and Zoning Commission and Board of Adjustment members not residing in the unincorporated area of Story County, a few Planning and Zoning Commission members requested Planning and Development staff to obtain an interpretation of the new law from the Story County Attorney's Office. While an interpretation was provided by the Story County Assistant County Attorney, the situation prompted an internal discussion about the need to communicate with Planning and Zoning Commission and Board of Adjustment members about the various situations where our department staff reaches out to the County Attorney's Office for legal assistance. Those instances involve review of:

- 1. Development case applications** (rezoning and C2C Plan map amendments, text amendments, conditional use permits, subdivision plats, and vacation of plat items).  
Planning and Development Department posts development case application submittals on the County's Intranet where it is available for departments who participate in interagency review of an application, including Ethan Anderson, Assistant County Attorney, as required and identified in Chapters 87, 90 and 92 of the Story County Land Development Regulations. Any comments provided by the County Attorney's Office are discussed and communicated to the applicant in writing with the goal of addressing/resolving the issue(s) prior to public meetings. For text amendments initiated by staff or the Commission, the County Attorney's Office communicates any comments with Planning and Development staff. Comments from interagency review are also included in the staff report on a request in the comment section.
- 2. Code Enforcement Actions** (Citation step of code enforcement process. County Attorney's Office staff set up delivery of citation by County Sheriff's Office, court action, and representing the County in court).  
Chapter 93 addresses the Story County Code Enforcement action process. If a property owner does not voluntarily comply with a property violation Planning and Development Department staff send them a Notice of Violation (NOV). If the property owner does comply within 30 days and/or does not appeal the issue to the Board of Adjustment or submit a compliance schedule, they receive a civil citation. The Story County Attorney's Office handles the citation process setting up the delivery service by the Story



County Sheriff's Office and the actual court hearing. The matter is litigated by Story County Attorney's Office staff assisted by Planning and Development staff.

**3. Work Program Items**

Any item on the Planning and Development Department's annual Work Program that involves a legal opinion is reviewed by the Story County Attorney's Office staff.

**4. Records requests**

All formal records requests made by the general public after being prepared by the applicable County staff are reviewed by Story County Attorney's Office staff before being made available to the requestor.

**5. County Civil Attorney Request Form**

For miscellaneous requests, such as interpretations of state laws, staff may also request the County Attorney's Office review through a request form.

