

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



"Commitment,

**515-382-7245
515-382-7294 (FAX)**

**MINUTES
STORY COUNTY
PLANNING AND ZONING COMMISSION**

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

DATE: January 4, 2017	Aaron Steele, Chair	2018
	Jerry Cable	2019
CALL TO ORDER: 4:00 p.m.	*Linda Murken	2020
PLACE: Public Meeting Room	Marvin Smith	2018
Administration Building	Ruth Hulstrom (arrived at 4:15)	2017
	P.J. McBride	2021
	*Absent	

ADJOURNMENT: 7:32 p.m.

STAFF PRESENT: Jerry Moore, Director; Emily Zandt, Planner; Stephanie Jones, Recording Secretary
PUBLIC PRESENT: Dona Cowman, Brian Connell, Steve Black, Cindy Hildenbrand, Dale Ruigh, Ivan Kinnan, Greg Karssen, Chris Gardner, David Wombacker, Charles Lee, Kathy Lee, Joyce Hornstein, Brian Anderson, Jerry Hornstein, Bob Gibson, Harold Ault, Lad Grove, Brenda Bunk, Kris Gaslm

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

December 7, 2016

PUBLIC COMMENTS:

None

PUBLIC HEARING ITEMS:

CUP03-08.1 CENTER GROVE ORCHARD TRAFFIC AND GRADING STUDIES

Jerry Moore gave an overview of the Conditional Use Permit, which included nine conditions, two of which was for a traffic study to be conducted within one year on HWY 210 and 610th St adjacent to the Center Grove Orchard property during peak and other operating times of the season for traffic comparison and the impact of the grading that occurred on the property for the train tracks with the County's environmental requirements. Center Grove Orchard hired Snyder & Associates to conduct the traffic study and grading analysis, which was completed, and four recommendations given. Steve Black supports the recommendations identified and staff will work with Mr. Black on the completion of the four items. Mr. Moore also indicated that one of the conditions was for Mr. Black to provide proof of obtaining approval of the new septic system from the Iowa Department of Natural Resources (IDNR). Copies of the IDNR letter and permit were provided to the Planning and Zoning Commission.

Public Comments

Dona Cowman stated that the noise levels were better this year. She also had questions about the mowing of the ditch.

MOTION: The Story County Planning and Zoning Commission recommends approval of the findings and recommendations of the traffic study and grading analysis of train tracks, and directs staff to place this item on the Board of Adjustment meeting agenda with the removal of the 1 year restriction and no additional restrictions for annual inspections.

**Motion: Cable
Second: McBride
Voting Aye: McBride, Cable, Steele
Voting Nay: Smith
Not Voting: Hulstrom
Absent: Murken
Vote: (3-1)**

CUP03-08.1 MINNOWA BORROW PITS

Jerry Moore presented the staff report and gave an overview of the proposed project. The applicant is proposing two borrow pits in the northern portion of the property. A 4' high berm would be placed around the perimeter of the borrow pits to assist with keeping floodwater out. For safety purposes a portion of 245th Street would be closed during the extraction phase for the borrow pits. Staff recommends approval with conditions. The Commission asked various questions of staff. Brian Connell with Minnowa Construction was present and answered a question about dust control.

Public Comments

Brian Anderson had questions on the exact location of the proposed second borrow pit. Dave Wombacker asked if the City of Nevada had been notified since the water supply site is close to the proposed borrow pits. Denny Kingsbury stated that he is concerned about the location due to it being close to Nevada's water supply wells. Mr. Kingsbury also had concerns about the floodplain and if the borrow pits would create additional geese problems in the area.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit as put forth in case CUP07-16, with the following conditions:

- 1. Apply for and obtain flood plain permit approval from Story County.**
- 2. Install erosion control materials to stabilize creek bank as shown on drawings submitted for the CUP application.**
- 3. If determined by the Story County Attorney's office that the Iowa Department of Transportation is not exempt from the County's environmental regulations regarding significant tree removal, provide a mitigation plan in compliance with the County's requirements.**
- 4. Notify the City of Nevada prior to the Board of Adjustment meeting.**

**Motion: Smith
Second: Hulstrom
Voting Aye: Hulstrom, Steele, McBride, Smith, Cable
Voting Nay: None
Not Voting: None
Absent: Murken
Vote (5-0)**

REZ02-16 AND SUB13-16 IRON BRIDGE PRELIMINARY PLAT

Jerry Moore presented the staff report and gave an overview of the proposed rezoning area that includes four separate parcels to subdivide part of the subject property into 21 single-family residential lots. Most of the adjacent land surrounding the subject property is zoned A-1 except for approximately 80 acres to the south and southeast that is zoned R-1, which includes the Deer Creek Subdivision. Mr. Moore stated that the land use designation in the C2C plan indicates with the exception of the four parcels containing the four existing dwelling that are designated Rural Residential, much of the proposed subject property is designated Natural Resources with a few pockets identified as Agricultural Conservation. Mr. Moore gave an overview of the proposed subdivision and stated that there would be a significant amount of trees impacted for the construction of the streets, dwellings, grading, and storm water detention basins. Mr. Moore indicated the Planning staff recommendation was to deny the rezoning and subdivision plat request and provided information about the Planning staff compromise for the applicant to design the lots on the north end of the property in a conservation type layout concept to preserve the natural resource areas and allow one dwelling to be constructed near or within the woods, as it would be permitted under the current zoning regulations.

The Commission asked various questions of staff.

Bob Gibson and Chris Gardner gave a presentation. Mr. Gibson talked about preservation of trees and stated that there are no plans to clear out more than 50% of the trees and that most of the trees and plants that would be removed are considered invasive plants by the IDNR. Mr. Gibson presented a Conservations Projects map showing proposed reforestation, pasture grasses, prairie restoration, slope reinforcement, creek restoration and roadside seeding that would enhance the property and natural resource areas.

Steele called for a 5-minute recess at 6:05. Steele called the meeting back to session at 6:11

Public Comments

Joyce Hornstein stated her concern with the rezoning on the east side of the road.
Cindy Hildenbrand stated that she is concerned with the land use and feels that the water cannot be protected by building more houses with septic systems so close to the water.
Brenda Brink stated that she is concerned about what a new development would do to the water.
Scott Hornstein asked if there would possibly be additional road paving from the City's current paved road to the entrance area of the proposed subdivision.

MOTION: The Story County Planning and Zoning Commission recommends denial of REZ02-16 and SUB13-16 rezoning and subdivision as requested by the applicant to the Board of Supervisors.

Discussion on Motion: Smith stated that the proposed plan not being aligned with the C2C Plan, and desire to protect the waterway, green belt and wild life corridor that's there are the reasons for denial. Steele asked that these comments be included in the motion and forwarded to the Board of Supervisors.

Motion: Smith
Second: McBride
Voting Aye: Smith, Hulstrom, McBride, Steele
Voting Nay: Cable
Not Voting: None
Absent: Murken
Vote: (4-1)

AGRITOURISM FARM ORDINANCE

Emily Zandt presented the memorandum and stated that this item was reviewed by the Planning and Zoning Commission on December 7, 2016. Based on the discussion at that meeting, the following modifications have been made to the proposed ordinance: – Change in name from “Farm, Retail or Novelty” to “Agritourism Farm” to eliminate – Revised Definition to exclude words such as “enhance”, “educational”, and “entertainment” and to emphasize the necessity of an agricultural setting to the proposed activity or product. Questions were asked of staff and discussion occurred about language.

Public Comments

Steve Black spoke and said that he was concerned with the word indispensable being used.

MOTION: The Story County Planning and Zoning Commission recommends approval of the proposed Agritourism Farm and Home Business Ordinance amendments to the Story County Board of Supervisors with the inclusion of the two amendments.

Discussion on Motion: Steele asked Ms. Zandt to read back the two amendments. The proposed amendments to the definition were made at the meeting and the definition reads as follows: “Farm, agritourism ~~retail or novelty~~” means a farm, accessory to crop and/or livestock production, that offers services, products, or experiences, whether seasonal or not, ~~for sale~~ available to the public on-site which are uniquely tied to the heritage or current practice of agriculture in Iowa such that the agricultural setting, crop production, and/or livestock production conducted on the property is indispensable to the activity or product proposed, including but not limited to: tours, demonstrations, petting zoos and the like, and retail sales of fruits, vegetables, pumpkins and melons, berries, trees, or other agricultural crops. This definition is not applicable to those structures or uses determined to be agriculturally exempt from County zoning authority according to Chapter 335 of the *Code of Iowa*, as amended.

Motion: Hulstrom

Second: Smith

Voting Aye: Cable, Steele, McBride, Hulstrom, Smith

Voting Nay: None

Not Voting: None

Absent: Murken

Vote: 5-0

2017 STORY COUNTY PLANNING AND DEVELOPMENT WORK PROGRAM

Jerry Moore gave an overview of the seven items being carried over from 2016 Work Program and the items being added to the 2017 Work Program.

MOTION: Accept the 2017 work program items and submit to the Board of Supervisors for approval.

Motion: McBride

Second: Cable

Voting Aye: Cable, Steele, McBride, Smith, Hulstrom

Voting Nay: None

Not Voting: None

Absent: Murken

Vote: 5-0

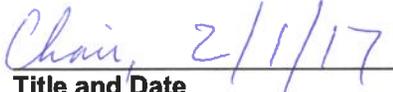
COMMENTS

STAFF: Jerry Moore gave an update about the Special Events ordinance that went to the Board of Supervisors and that they suggested amendment and asked that the ordinance go back to the Planning and Zoning Commission to considered their proposed amendments. Members of the Planning and Zoning Commission discussed the need to set a penalty fee high enough to discourage persons and/or organizations that do not obtain permits.

COMMISSION: Jerry Cable stated that he was concerned about the two items tonight that both involved removal of trees and how the Planning and Zoning Commission could allow trees to be removed for a borrow pit, but not a proposed development. Mr. Moore explained that the trees planned for removal in the borrow pit project were actually located within the Iowa DOT right-of-way and the proposed Iron Bridge subdivision was viewed as not being consistent with the County's C2C Plan due to the applicants plan to locate the subdivision within a natural resource area and its impact on tree removal.

ADJOURNMENT: 7:32 PM


Approval of Minutes


Title and Date