

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



"Commitment, Vision, Balance"

515-382-7245

**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: July 11, 2018	Aaron Steele, Chair	2018
	Jerry Cable, Vice Chair	2019
CALL TO ORDER: 4:00 PM	Kathy Mens	2022
	Linda Murken	2020
PLACE: Public Meeting Room	*Marvin Smith	2018
Administration Building	PJ McBride	2021
	Jonathan Sherwood	2020
	*Absent	

STAFF PRESENT: Jerry Moore, Director; Emily Zandt, Planner; Planner; Stephanie Jones, Recording Secretary, Ryan Schweitzer, Planning Intern

PUBLIC PRESENT: Ethan Anderson, Tom and Gretchen Northrop, Erwin Klaas, Deb Schildroth, Cindy Hildebrand, Larry Koehise

APPROVAL OF AGENDA

Steele asked for a motion to move the public hearing items to before the Draft Traffic Impact Analysis to better serve the public present. **Motion made by Murken, Second by Mens, MCU**

APPROVAL OF MINUTES (MCU)

June 6, 2018

PUBLIC COMMENTS:

None

ADDITIONAL ITEMS:

COUNTYWIDE WATERSHED ASSESSMENT

Leanne Harter presented the draft countywide watershed assessment and online tools prepared by EOR to the Planning and Zoning Commission for recommendation to the Story County Board of Supervisors. Many of the Planning and Zoning Commission members attended the joint meeting with the Story County Conservation Board and the Story County Board of Supervisors that took place on Monday, June 18th, 2018. Harter updated the commission, stating that the Story County Conservation Board took action to accept the watershed assessment at their July 9, 2018 meeting. The assessment will be before the Board of Supervisors for acceptance on Tuesday, August 14, 2018. Murken asked about the implementation process of the assessment. Harter stated that there is a schedule drafted. The first step is to amend the C2C Plan to add the assessment as an appendix, which will allow the county to build priorities and recommendations of the assessment into the Implementation Matrix. Harter stated that Story County Conservation will have a large role in the implementation process, however there will be many

departments and individuals from within and outside the County that will be involved with the implementation of the assessment. Murken stated that when it comes to responsibilities for the implementation, she is fearful that if there is not a lead person, the assessment may be put on the back burner. Harter stated that is a valid concern, however adding the assessment to the C2C Plan and further defining the implementation priorities will help to ensure that the work will take place. As of right now the priority is to accept the assessment. A watershed manager may be considered in the future, but the plan is not known at this time. Steele asked about using the information from the assessment in the recommendations that the Planning and Zoning Commission makes, knowing that it is not legislation at this time. Harter stated that what has been adopted by the Board of Supervisors needs to be used, but that the data could be used as a guideline, but cannot be used as a policy until the Board of Supervisors adopts the plan. Murken asked Jerry Moore about the model storm water ordinance included in the assessment appendix and if it may be useful to the Planning and Development Department. Moore stated that the document was reviewed and considered in the research for the Storm water Ordinance currently being drafted. Murken stated that she has concerns about smaller developers meeting regulations included in Appendix D of the assessment. Moore clarified that the model ordinance is really meant to assist smaller cities in the county who are interested in adopting stormwater regulations. Murken stated that she misunderstood that. Sherwood asked about the Natural Resource GIS layer and if the information from the assessment could be used to better inform the layer. Moore stated that a work program item is to update the natural resource layer. Sherwood wondered if this information could be used to help better inform the Land Evaluation Site Assessment (LESA) process. Moore stated it was a possibility this assessment could be useful for determining LESA scores. Steele stated that the commission would be making a recommendation to the BOS for action.

MOTION: The Story County Planning and Zoning Commission recommends acceptance of the Watershed Assessment completed by EOR to the Story County Board of Supervisors.

Motion: McBride

Second: Sherwood

Voting Aye: Mens, McBride, Cable, Steele, Murken, Sherwood

Not Voting: None

Absent: Smith

Vote: (6-0)

PUBLIC HEARINGS:

REZ03-18 Finco Tree and Wood Services

Jerry Moore and Ryan Schweitzer together presented the staff report. Moore stated that this process began as a home business permit renewal at the end of last year which is an annual review and summarized the steps taken in the renewal process. The review prompted sending a letter to the applicant to learn more about the activity on the property and a meeting with the property owner. Moore stated that after the site visit another letter was then sent to the property owner to explain what was noted during the site visit, explain the home business permit requirements, and laying out options. Options included coming up with a compliance schedule, a building addition for the outside storage material, phasing out the home business and moving to a location that would be zoned for the business, or a rezoning request. Moore stated that a very comprehensive review has been completed by staff and denial for rezoning is being recommended by staff and support an alternative to work with the applicant administratively on a compliance schedule with conditions regarding the existing Home Business Permit.

The applicant has requested approval of a rezoning from A-1 Agricultural District to the CLI Commercial/Light Industrial District and a Story County Cornerstone to Capstone (C2C) Comprehensive Plan Future Land Use Map Amendment Request from Rural Residential to Commercial and Industrial Area. The area requested to be rezoned is the south approximate 425 feet (3.5 acres) of the 10-acre parcel located at 52724 280th Street. This request has been submitted in order for operation of Finco

Tree and Wood Services to continue at the subject property. This is a home business not currently in compliance with the Story County Home Business Regulations.

Steele summarized that action would need to be taken on the home business permit application renewal and for support to make the home business permit acceptable. Steele asked if the Home Business Permit recommendation from the Planning and Zoning Commission would be taken to the Board of Supervisors for approval. Moore stated that it would go to the Board of Supervisors and that there was concern from the applicant as to the administrative review element and with the Planning and Zoning Commission recommendation and Board of Supervisors action on the home business permit with conditions, Planning staff believe this is the best option to address the situation. Mens asked if there had been complaints. Moore stated that he is not aware of any complaints. Murken asked for clarification of the first condition because it seems as though the business would be ended. Moore explained that the processing and storage of cut logs would need to be located on a property zoned appropriately after all existing logs are removed from the property. McBride asked if the business was ever in compliance. Moore stated that based on records it is difficult to know fully if the applicant met all of the home business requirements. Murken asked when the C2C Plan was adopted and Moore stated 2016. Murken asked if there are any grandfathering provisions. Moore stated that current provisions from the zoning ordinance should be met. Discussion took place about the home business permit being renewed in years past and whether or not it was in compliance. Sherwood stated that it is the business owner's burden to be in compliance. Sherwood asked how the conditions being changed would set a precedent to other people that apply for home business permits in the future. Mens asked if the wood being inside a building would make a difference and Moore stated that it appears some of the wood is stored inside and that would adequately address the outside storage issue. Murken stated that it sounds like staff is saying that the business could remain as is through 2018 and then begin to phase out this part of the business (processing and storage of tree trucks, branch and logs) and move that part to another location. Steele stated that unless there are questions to clarify the staff report that we should now move on to public comments.

Justin Dodge spoke and stated that he was speaking on behalf of the property owner and that Erb Hunziker had helped Finco Tree and Wood Services start in 1982 and the business has been run from this location since 2000. Dodge stated that there has been zero complaints about the business and that Todd would like the property re-zoned in order to continue doing the business from this location until retirement.

Gretchen Northrup, (acreage to east) stated that Todd has been a good neighbor, but since 2000 when business was started that the pile of wood in back has grown very large and she would approve of the condition to limit the amount of material being brought in after 2018.

Ethan Anderson stated that it is appropriate to deny rezoning and he would submit that it is appropriate to renew the Home Business Permit with conditions. Anderson stated that the use of property has a complicated history and during several meetings, there is some sympathy for the owner, but the ordinances still need to be followed. Anderson stated that he felt it would be appropriate to recommend to the Board of Supervisors a later date than 2018. Anderson stated that there is frustration in lack of enforcement over the years. Anderson stated that there is an alternative that was not mentioned which would be a waiver to recognize that strict compliance of the ordinance would result in hardship by shutting down the business. Anderson stated that the easiest option would be to support the Home Business Permit renewal with conditions that the property owner can live with and the second option would be for a waiver. Steele asked if it is appropriate to take a Home Business Permit to Board of Supervisors when they are usually done administratively. Murken asked if Anderson would be willing to provide language to assist with a motion and he stated that language had been provided to Moore.

Moore stated that Planning staff does not support a waiver and do not think this situation and scenario would meet the test for a waiver. Steele also questioned whether the use of the waiver was appropriate for this situation. Steele asked Jerry to read the waiver from the code. Moore read from the code the summary paragraph about the waiver process. 92.04 Waiver by Board of Supervisors. Steele feels that in the past the waiver has not been used for this purpose. Steele stated that he would like to see home

business standards changed to allow businesses to transition. He is not sure justice is being served when there are other businesses throughout the county that are having to pay to dispose of wood at locations that are properly zoned. McBride stated that she felt it would be reasonable to compromise and extend the date to allow processing. Steele stated that the rezoning should be addressed first.

MOTION: The Story County Planning and Zoning Commission recommends denial of the proposed Story County Zoning Map Amendment from the A-1 Agricultural District to the CLI Commercial/Light Industrial District and the Story County C2C Future Land Use Map Amendment from Rural Residential Area to the Commercial-Industrial Area Home Business Permit as put forth in case REZ03-18 to the Story County Board of Supervisors.

**Motion: Cable
Second: Murken
Voting Aye: Mens, Steele, McBride, Sherwood, Cable, Murken
Not Voting: None
Absent: Smith
Vote: (6-0)**

Moore asked if Dodge wanted to provide comment on the home business permit with conditions. Dodge stated that if the 2018 date could be extended until approximately 2030 when he retires that he would be ok with the conditions.

MOTION: The Story County Planning and Zoning Commission recommends supporting an alternative to work with the applicant administratively on a compliance schedule with the following conditions regarding the existing Home Business Permit:

- 1. Allow applicant to bring tree trunks and tree branches on site to be processed through 2018. Beyond this date, no additional tree processing may occur on site.**
- 2. Applicant may continue selling existing stockpiles of processed trees until depleted.**
- 3. Existing number of employees may continue to report on site.**
- 4. The two existing accessory buildings may continue to be used for the business.**

**Motion: Cable
Second:
Motion failed due to lack of a second.**

MOTION: The Story County Planning and Zoning Commission recommends supporting an alternative to work with the applicant administratively on a compliance schedule with the following conditions regarding the existing Home Business Permit:

- 1. Allow applicant to bring tree trunks and tree branches on site to be processed through 2025. Beyond this date, no additional tree processing may occur on site.**
- 2. Applicant may continue selling existing stockpiles of processed trees until depleted.**
- 3. Existing number of employees may continue to report on site.**
- 4. The two existing accessory buildings may continue to be used for the business.**

**Motion: Murken
Second:
Motion failed due to lack of a second.**

McBride stated she felt 2018 is reasonable, but she feels going into 2025 would be unreasonable. Cable said he bought property to operate his plumbing businesses in Ames where it was zoned for the use to avoid conflict with his neighbors and to be compliant with county requirements. Cable also stated that the

applicant is not being asked to close his business but he feels it is fair to move the product to a commercial/industrial location.

MOTION: The Story County Planning and Zoning Commission recommends supporting an alternative to work with the applicant administratively on a compliance schedule with the following conditions regarding the existing Home Business Permit:

1. **Allow applicant to bring tree trunks and tree branches on site to be processed through 2018. Beyond this date, no additional tree processing may occur on site.**
2. **Applicant may continue selling existing stockpiles of processed trees until depleted.**
3. **Existing number of employees may continue to report on site.**
4. **The two existing accessory buildings may continue to be used for the business.**

Motion: Sherwood

Second: Cable

Voting Aye: Cable, Steele, McBride, Sherwood

Voting Nay: Murken, Mens

Not Voting: None

Absent: Smith

Vote: (4-2)

ADDITIONAL ITEMS:

DRAFT TRAFFIC IMPACT ANALYSIS AND STUDY ORDINANCE

Emily Zandt stated that the 2018 Story County Planning and Development Work Program included a high priority item to "develop guidelines for use and applicability of a Transportation Impact analysis in conjunction with the development process". This item originated from the Implementation Matrix that was adopted on November 8, 2016 for the Story County Cornerstone to Capstone (C2C) Comprehensive Plan, adopted June 7, 2016. The lead departments for this item are Planning and Development, Engineering, and Secondary Roads.

Zandt stated that Planning and Development Staff reviewed numerous ordinance examples from other counties and cities across the country. Zandt stated that after the May 2, 2018 Planning and Zoning Commission Meeting, Planning and Development routed the proposed ordinance to the Interagency Review Team for comments from other County Departments, met with the Story County Engineer and Assistant Engineer, and sent the draft to local private practice engineers, builders, and representatives from all cities in Story County. Zandt summarized the changes that were made which were:

- Clarifying language addressing timing of submittal being added. □
- A Traffic Impact Study is now required for all major residential subdivisions and commercial/industrial development unless waived by the Story County Engineer or the Story County Board of Supervisors. Previously the Story County Engineer or Board of Supervisors could choose to require a Traffic Impact Study, if deemed necessary.
- A Limited Traffic Impact Study will be required when a proposed project will generate up to 100 vehicle trips per day, rather than 100 vehicle trips during peak hours. Likewise, A Complete Traffic Impact will be required for all projects that generate more than 100 vehicle trips per day, rather than more than 100 vehicle trips during peak hours.

Murken asked about the ability to waive the study "if deemed appropriate", stating that the language seems vague. Zandt stated that following the Traffic Impact Analysis that all applicants would be required to submit with an application, if further information is deemed unnecessary, the County Engineer and the Board of Supervisors have the ability to waive the Traffic Impact Study requirement.

Zandt stated that Planning and Development Staff received overall support of the proposed ordinance from the Story County Engineer and Assistant Engineer. Murken asked when the ordinance would be brought back for adoption. Moore stated the plan is to bring it back to the Commission for adoption in

August or September. Murken asked if more input would be requested. Moore stated that staff did not receive a lot of input other than from the Engineer. Sherwood asked if it was sent to the MPO and Zandt stated that is was, however no comments have been received.

COMMENTS:

STAFF: Moore gave update as to what would likely be on agenda in August.

COMMISSION: Sherwood asked if Zandt passed her American Institute of Certified Planners exam. Zandt stated that she did pass.

ADJOURNMENT: 6:09 PM



Approval of Minutes

Chair *8/1/18*

Title and Date