

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

515-382-7245



"Commitment, Vision, Balance"

**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: November 7, 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; Amelia Schoeneman, Planner; Stephanie Jones, Recording Secretary

PUBLIC PRESENT: Allen Thompson, Molly Onken, Pam Wilson, Joe Manatt, Seth and Zaidy Tjelmeland, Cindy Hildebrand, Joe Manatt

APPROVAL OF AGENDA Motion made by Murken, Second by Mens to move item 7.2 to after 7.4
MCU

APPROVAL OF MINUTES (MCU)

October 3, 2018

PUBLIC COMMENTS:

None

ADDITIONAL ITEMS:

Draft Countywide Watershed Assessment Implementation

Leanne Lawrie Harter presented a review of the Draft Countywide Watershed Assessment Implementation Matrix. Harter went through the processes being followed by the internal staff working group. Harter stated that the group has met several times to review the assessment and an implementation matrix was drafted. Harter stated that the goal of the draft implementation matrix is to start with the overall goal and a set of the next steps. Harter stated that formal direction and action by both the Story County Conservation Board and Planning and Zoning Commission will need to take place and invited commissioners to attend a future joint meeting. Discussion took place on when the meeting should be held. **Motion was made by Murken, Second by McBride to schedule a joint meeting with conservation in late November or early December to review the watershed assessment matrix.**
MCU

PUBLIC HEARINGS:

CUP10-17 Pleasant Grove Community Church Accessory Structure And Parking Areas

Jerry Moore presented a summary of the request and stated that this is for the Pleasant Grove Community Church to construct an accessory building to the northeast of the existing church building and to add onsite parking including ADA compliant spaces. Pleasant Grove is also proposing a parking area on the south side of 170th Street to ensure all parking can take place outside of the road right-of-way and on the church's property. Pleasant Grove Community Church has provided an access easement along the east property line to the Story County Conservation Board for public access to the Story County Conservation property to the north. This request is consistent with the Future Land Use Map designation and is compatible with surrounding land use.

Steele asked if the easement is an access easement granted to Story County Conservation not a conservation easement. Moore stated that there are members of the church present that may be able to answer that question.

Alan Thompson spoke on behalf of the church and stated that when the land was purchased it came with the easement from the Iowa National Heritage Foundation, which is restrictive, but it does allow the proposed project. Steele asked for clarification that the parking lot and addition be allowed in the contract with the National Heritage Foundation. Murken asked for clarification about clause three in the easement and asked if there would be costs to the county. Amelia Schoeneman stated that in the staff report it states that there is a partnership between the church and Story County Conservation. Moore stated that the church and Story County Conservation need to work out the timing of the construction of the access and drive in relation to their project. The access and drive are to be constructed by Story County Conservation.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for Pleasant Grove Community Church as put forth in case CUP10-17 and directs staff to place the case on the Board of Adjustment agenda for their November 28, 2018 meeting with the following conditions:

- 1. The use of the proposed accessory structure shall be for normal church functions only.**
- 2. The applicant must follow the Conditional Use Permit completion standards identified in Chapter 90.05 of the Story County Land Development Regulations.**
- 3. The Planning and Development Department shall complete an inspection prior to use of building and parking areas.**
- 4. If applicable, a copy of a National Pollutant Discharge Elimination System (NPDES) permit shall be submitted prior to the issuance of any preliminary development permits.**

Motion: Cable

Second: Sherwood

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

CUP09-18 Tjelmeland Dog Breeding

Schoeneman presented the staff report and stated that this request is for a conditional use permit to allow dog breeding at 66902 120th Street. SZ Rolling Acres, LLC raises miniature huskies by crossing Siberian Husky females and Pomeranian males. The breed is also known as Pomskies. The business was

established in 2017 on the subject property. The applicant/property owner resides on the property and would be the main caretaker. The Department of Agriculture and Land Stewardship licenses the business and it also must meet standards for Private Kennels in the Story County Code Chapter 45 Animal Control and Welfare, as enforced by Story County Animal Control. The business is proposed to occupy a new 20-foot-by-40-foot, fully-insulated pole barn and an existing 12-foot-by-25-foot lean-to where the kennels and runs are currently located. The pens for puppies are located in an existing building and are proposed to be moved to the new building if permitted. There are six Huskies, four Pomsies, and one Pomeranian, and two litters of puppies. The litters are nine puppies total. The applicant indicated that 14 adults is the maximum number they will maintain--staff recommends a limit of 14 adult dogs as a condition.

Sherwood asked about the application of waste product. Schoeneman stated that Environmental Health did not have any comments or concerns. Steele stated that there are no nearby streams.

Zaidy and Seth Tjelmeland were present. Cable asked about on site sales and Kenzie stated that they meet public in a public area. Seth stated that it is a safety precaution to not allow people to come on their property because of the risk potential to bring disease to their dogs and also security of their family.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Tjelmeland Dog Breeding Use as put forth in case CUP09-18, with the condition that the maximum number of adult dogs permitted is 14, and directs staff to place the case on the Board of Adjustment agenda.

Motion: Cable

Second: Mens

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

CUP10-18 Onken Dog Boarding

Schoeneman presented the staff report and stated that this request is for a conditional use permit to allow dog boarding and daycare at 52480 Highway 210. Dog District, LLC will provide daycare services and boarding of dogs. The maximum number of dogs is 15. The applicant/property owner resides on the property and would be the main caretaker. The Iowa Department of Agriculture and Land Stewardship and/or United States Department of Agriculture would license the business and it also must meet standards for Private Kennels in the Story County Code Chapter 45 Animal Control and Welfare, as enforced by Story County Animal Control. The applicant indicates these permits will be obtained if the conditional use permit is approved. The business is proposed to occupy an existing 46-foot-by-48-foot accessory building located to the south of the dwelling and 25 feet from the west property line. The building also includes a 24-foot-by-48-foot addition that will be used as a garage with an office and sink. The existing building does not meet the required 50-foot setback for conditional uses from the west property line and a variance of 25 feet to permit a 25-foot side setback is also requested and will be considered by the Board of Adjustment at the same time as the Conditional Use Permit.

Sherwood asked how the maximum number of dogs was reached. Schoeneman stated that number came from the applicant and if the business grows, the CUP could be modified in the future. Steele clarified that the maximum was only to ensure that there is a maximum. Sherwood asked why waste disposal guidelines are different for the two cases presented tonight. Schoeneman stated that the applicants submitted different plans for how the waste would be disposed of. Steele asked about the insulation in south wall and Schoeneman stated it is for noise reduction and the property owner stated that it is also for temperature control.

Pam Wilson spoke and stated that her daughter will be running the dog day care and gave reference to

the good character of her daughter allowing her to run the day care successfully.

Heather Bettingfield stated she runs Heather's Fur Babies and stated that there is a very high demand for dog day care in the area and she is fully in support of the applicant starting this business.

Murken asked for clarification about the variance for the fence.

Mens asked if the recommendation for the 50' requirement is approved will they not be allowed to have the runs. Schoeneman stated it is only a recommendation to the Board of Adjustment and not action.

Moore stated that there are multiple runs being proposed and to meet the 50' set back that approximately half of the runs would be affected. Moore added that if there were an impact with the use it would likely be the noise when dogs are outside in the fenced area. There are several dwellings along HWY 210 from the City of Slater to the subject property. The parcel to the west is buildable and a dwelling could be constructed 10 feet from the common property line. Part of our review is to consider the long term impact of the use on the future adjacent use. The land to the west will not likely always be in row crops and additional dwellings along HWY 210 are also likely.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Onken Dog Boarding Use as put forth in case CUP10-18 and directs staff to place the case on the Board of Adjustment agenda with the following conditions:

1. Licensing from the Iowa Department of Agriculture and Land Stewardship, United States Department of Agriculture, and/or Story County Animal Control will be obtained prior to operation.
2. The south end of the building shall be insulated prior to boarding dogs.
3. The maximum number of dogs permitted is 15.
4. A 25-foot variance to the setback requirements for the building must be approved if the required 50-foot setback is not met.
5. The fenced areas shall meet the required 50-foot setback from the west property line.
6. Proof of compliance with the first two conditions shall be provided to the Planning and Development Department prior to operation and directs staff to place the case on the Board of Adjustment agenda.

Motion: Cable

Second: McBride

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

CUP 07-18 InRoads Mineral Extraction

This request is for a conditional use permit to allow extraction of sand and gravel from an existing borrow pit. The subject property is located at 3034 560th Avenue and the pit is located in the southwestern 4.6 acres of the 47.24 net-acre parcel. The applicant proposes that a sand processing plant and sand and gravel stockpiles related to the extraction use be located on an existing gravel pad in the northwestern six acres of the parcel. The deposit is estimated to be able to support the first phase of extraction to a 40-foot depth using an excavator over a three-year period. The second phase of extraction using a dredge or expansion of the extraction area would require the conditional use permit to be modified.

Murken asked about water draining off the site which would go to the west to a ditch. Schoeneman stated that they have a permit through the state for run off. Schoeneman stated that the county engineer does not have any concerns.

Joe Manatt spoke and stated that the company has experience with processing sand and managing regulations. Manatt stated that the first phase is three years because it is unknown who else the product will be sold to and how the market will react and after phase one is completed hopefully there will be a

need for re-approval to obtain stage two.

Murken asked about the floodplain and clarification about the runoff into the ditch not getting into the pit. Schoeneman stated the berm will be in place around the cell to protect it from surface runoff. Manatt stated the berm is one foot above the 500 year flood level. Murken asked if it could be required for the berm to be higher than one foot. Schoeneman stated that most structures are required to be 18" above flood level. Steele clarified that the floodplain permit would be required.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for Mineral Extraction as put forth in case CUP 07-18 with conditions and directs staff to place the case on the Board of Adjustment agenda with the following conditions:

- 1. The permit be limited to the first phase of extraction: extraction over three years to a depth of 40 feet and via an excavator.**
- 2. 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.**
- 3. 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.**
- 4. Phase two shall not be approved until it is determined extraction depths over 40 feet will not have an impact on groundwater and that the deposit is determined to extend 80 feet.**
- 5. A flood control berm one foot above the 100-year base flood elevation level shall be constructed around the pit.**
- 6. A sufficient amount of topsoil be maintained on site to create the berms and be respread during restoration.**
- 7. A \$30,000 restoration bond covering the cost of restoration and landscaping, plus the cost of landscaping on the eastern side of the site, shall be provided. Once landscaping is completed, the cost of the bond shall be reduced to \$10,000.**
- 8. Secondary containment structures (double-walled containers, berms) shall be provided around fuels and other chemicals and spill response plans are maintained.**
- 9. A floodplain development permit shall be obtained including an evacuation plan.**
- 10. The applicant shall restore the road to its original condition and maintain the road as necessary and as determined by the Story County Engineer.**
- 11. The applicant shall water the gravel pad and the roadway to prevent excess dust as needed.**

Motion: McBride

Second: Mens

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

At 6:17, Steele called an 8-minute recess.

Steele called back to order at 6:24

Draft Amendments to Access Easement Requirements Ordinance 276

Schoeneman summarized the draft amendments to Access Easement. Since the October 3, 2108,

Commission meeting, the 50-foot length limit on shared access easements was proposed to be eliminated given that the Ordinance requires new lots to having frontage, that no more than four existing lots may take access from an easement, and that there are no limits on the length of an individual driveway.

MOTION: Approval of Access Easement Requirements - Section 88.04 of the Land Development Regulations

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

Ordinance No. 275, Amending Chapters 85 Definitions, 87 Land Division Requirements, And 88 General Site Planning Standards Traffic Impact Analysis And Study

Moore summarized the Traffic Impact Analysis and Study Ordinance. Following the July 11, 2018, Planning and Zoning Commission meeting, Planning and Development Staff routed the proposed ordinance to the County Attorney's office for review. It was recommended that staff add the timing for the submittal of a Traffic Impact Study for commercial and industrial uses as well as Major Residential Subdivisions under 2) Administration. It was also suggested that the ordinance reference the Major Residential Subdivision Plat section in Chapter 87.09 Major Subdivision Plats in order to better define this subdivision type. These recommendations have been incorporated into the ordinance.

Murken asked how this would be used by the commission in terms of subdivision requests. Moore stated that the Planning and Zoning Commission would be able to review the information. Murken asked if it was determined that there were problems with the analysis or submittal if that would be a reason to deny. Moore stated that the Planning and Zoning Commission would be able to recommend denial to the Board of Supervisors.

MOTION: Recommend approval of Ordinance 275 to the Board of Supervisors

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

Ordinance No 278 Amending Chapter 89 Home Businesses And Chapter 90 Conditional Uses, Table 90

Moore summarized the home business proposed ordinance amendment and clarified the processes changed since the last meeting were that the home business owners should demonstrate compliance with the current requirements for one year prior to requesting a minimal easing or significant easing of the requirements. There are guidelines on what are minimal easing of the requirements to assist home business owners in understanding what will be accepted and also give the Planning and Development Director parameters to guide decisions. Minimal changes to the requirements should not cause nuisance factors to adjacent or surrounding properties. Home business owners may appeal the Planning and Development Directors decision to the Board of Adjustment. Plans involving significant easing of the requirements may be extended through the Conditional Use Permit process by the Board of Adjustment

for three years. A one-time extension of up to two years may be requested by the home business owner through the Conditional Use Permit process and ultimately decided by the Board of Adjustment. Moore stated that the wording of the two year review of home business permit applications was also updated to show biennial reviews. Moore stated that outreach is planned with current home business owners.

MOTION: The Planning and Zoning Commission recommended Ordinance No 278 for approval to the Board of Supervisors.

Motion: Murken

Second: Mens

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

Ordinance No. 279, Amending Chapter 85 Definitions And Chapter 90 Conditional Uses - Commercial Campground And Travel Trailer Park

Moore summarized the proposed ordinance and stated that at the October 3, 2018 meeting the ordinance was supported by the commission. No changes have been made to the ordinance and the amendments have been reviewed by the County Attorney's office with no changes recommended.

MOTION: Planning and Zoning Commission recommended Ordinance No 279 for approval to the Board of Supervisors.

Motion: Cable

Second: McBride

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

Voting Nay: None

Not Voting: None

Absent: Smith

Vote: (6-0)

COMMENTS:

STAFF: Moore reminded the commission of the upcoming joint Watershed Assessment meeting and also spoke about the upcoming BOS joint meeting.

COMMISSION: Murken complimented the staff for the work involved in the ordinances. Steele agreed and feels that the home business amendments are good for the county.

ADJOURNMENT: 6:48 PM



Approval of Minutes

Chair 12/5/18

Title and Date