



**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: December 18, 2019	Steve McGill, Chair	2022
	Matthew Neubauer, Vice Chair	2021
	Karen Youngberg	2019
CALL TO ORDER: 4:00 PM	Randy Brekke	2020
PLACE: Public Meeting Room Administration Building	Wendie Schneider	2023

PUBLIC PRESENT: Jerry Sloan, Neil Grant, Scotty Gerber, Barbara Nordyke, Liz Pehl & Andrew Craig

STAFF PRESENT: Jerry Moore, Planning and Development Director; Amelia Schoeneman, Planner; Marcus Amman, Planner; Stephanie Jones, Recording Secretary; Sandra King, Director of External Operations and County Services

ROLL CALL: McGill, Brekke, Neubauer, Youngberg, Schneider

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES Motion by Youngberg, Second by Neubauer (MCU)
October 16, 2019

APPROVAL OF FINDINGS OF FACTS FROM October 16, 2019 MEETING Motion by Youngberg, Second by Neubauer (MCU)

Written Findings of Fact CUP03-19.1 Perkins

PUBLIC COMMENTS: None

ADDITIONAL ITEMS:

Election of Officers for 2020 Calendar Year

Motion by Neubauer, Second by Brekke for McGill to continue as Chair.

Motion by Youngberg, Second by Neubauer for Brekke to serve as Vice Chair.

2020 Board of Adjustment Meeting Schedule

Motion by Neubauer, Second by Brekke to accept 2020 Meeting Schedule

Rules of Procedure

Jerry Moore stated that the current rules of procedure do not contain the language required for number of members, where future members are to reside, and the term length for the appointment. This information is, however, addressed in the Story County Land Development Regulations, Chapter 92.01 (1). Moore stated that Planning staff is recommending that the Board of Adjustment support amending the Rules of Procedure to include this information.

Motion: Youngberg

Second: Brekke

Ayes: Youngberg, Schneider, McGill, Brekke, Neubauer

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

HEARINGS:

CUP02-90.6 Martin Marietta

Amelia Schoeneman presented the staff report and stated that this request is for a conditional use permit modification for the off-site storage of rescue equipment/trailer for the mine in an existing 40' x 60' steel utility building located at 3210 N Dayton Avenue, Parcel 06-30-100-300, and the addition of four slurry drops at the Ames Martin Marietta Mine, 831 Riverside Road, on Parcels 05-13-300-415, 05-24-100-210, and 05-24-100-425. An off-site location is preferable for the rescue trailer and equipment to ensure accessibility during an emergency. The slurry is proposed to be pumped through a 16" above-ground black plastic pipe to the drops (drilled holes) into previously mined out areas underground. Currently, the piping occurs underground but the mine has become too full and above-ground piping is needed to complete the backfill of the mine with slurry. After the solids settle from the slurry, the water is reused. Martin Marietta anticipates using the drops one to two years each until the mine under the drops is full. A driveway to the drop locations has already been constructed. When the underground areas are full, the drops will be plugged and drives removed. The proposed uses will not generate traffic above periodic daily checks of the pipe and monthly training and maintenance of the rescue equipment/trailer. The mine processing/surface area is not proposed to change beyond the additional slurry drops and driveway. Planning and Development staff recommend approval of the conditional use permit with conditions.

Neil Grant, Natural Resources Director for Martin Marietta, spoke as the applicant. He stated that work had started, but was stopped once they realized they needed to modify the CUP. The building was also already in use for the rescue equipment/trailer. Grant spoke about potential spill protection measures. He stated berming would be disruptive to the landscaping with the equipment required for berming. He stated that they may add a pressure sensor on the pipe so if a pressure drop is detected that it would be shut off the pump. Grant also stated that silt fence around the drop may be beneficial. Martin Marietta would like to work with County Planning and Development Staff and their environmental engineer to determine what additional spill protection measures would be appropriate. They support additional protection measures.

Grant stated they supported the phased expiration of the conditional use permit for the slurry drops as the drops are taken out of use.

Grant stated that the pipe that currently runs underground will be moved above ground.

Water quality concerns were addressed and discussion took place that slurry is made of rock (limestone fines) and water. The rock is being settled out so that the water can be reused.

Youngberg had concerns about the slurry getting into the river before the rock had settled out. Grant stated that the river is over 300' away and it is very unlikely that the pipe would break open, but rather a pinhole leak. Grant stated that monitoring would take place daily to check for leaks. While this water is not being discharged, they hold a National Pollutant Discharge Elimination System (NPDES) permit for discharges. Youngberg stated that her main concern was if it could hurt the fish if it were to get to the river. Grant stated that in the event of a spill, the DNR would require it to be cleaned up.

Schneider asked if there are any contaminants in the slurry and if there is a monitoring system to make sure the slurry is not contaminated. Grant stated there is nothing to contaminate the slurry because water is the only thing that comes in contact with the rock during processing. Grant also stated that discharge water is tested annually.

Neubauer asked if the piping is secure while not in use. Grant stated the pipe is capped off. McGill stated that with the concerns from the board, that it may be beneficial for the board to see a spill prevention plan. Brekke stated that he agrees seeing the plan from an environmental engineer is a good idea.

Brekke asked what type of emergencies the equipment being stored would be used for. Grant stated that the emergency equipment is in the event of an underground mine emergency.

Brekke asked how often pipe leaks occur under ground, and discussion took place that there has not been failures because of daily monitoring.

McGill opened the public hearing. Jerry Sloan spoke about water quality being affected in the event of a leak, and pump noise. Grant stated that new pumps would not be brought to the drops. There is a current pump on the site at the processing plant, but currently it is not used as gravity works to move the slurry to the drops. Sloan asked if there would be vibration with the slurry moving through the pipes that was not able to be heard when the pipe was below ground. Scotty Gerber with Martin Marietta stated that the pipe is thick and one would need to touch the pipe to know whether something was moving through the pipe. Sloan had concerns about fuel or explosives being used underground that could get in the water and would like to see Martin Marietta test the slurry water to ensure the aquifer is not being affected.

Andy Craig was present for another case, but stated that he is an environmental engineer and suggested testing of the slurry would be beneficial to the board to ensure it is safe.

Liz Pehl stated that her garden is in the area and did not realize that the pipe would be so close to her property line. Pehl stated that she is concerned with the pipe being above ground that a hunter could hit the pipe or it could be hit while driving through the field with a vehicle.

MOTION: The Story County Board of Adjustment remands the Conditional Use Permit for the addition of slurry drops at the mine property and off-site rescue equipment/trailer storage in the event of an emergency at the Martin Marietta Ames Mine as put forth in case CUP02-90.6, back to the applicant for further review and/or modifications to the plan for protective measures and for the slurry to be tested in the event of a leak, and directs staff to place this item on the January 15, 2019, Story County Board of Adjustment Agenda.

Motion: Neubauer

Second: Youngberg

Ayes: Neubauer, Youngberg, McGill, Brekke, Schneider

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

VAR05-19 Craig Variance

Marcus Amman presented the staff report and stated that the request is for a variance to the minimum front setback for a proposed accessory structure located in the R-1 District, which establishes a minimum front set back of 40 feet. The variance request is to permit the construction of a new proposed 24'x36' (864 square feet) accessory structure that will replace the existing 25'x21.6' (537 square feet) accessory structure that is in poor condition and encroaches on the front setback requiring a variance of 31 feet from 40 feet to 9.0 feet, from the closest point of the proposed building to the property line. The existing accessory structure received a variance of 30 feet from the northern property line in 1961.

MOTION: The Story County Board of Adjustment approves the Craig Setback variance request with conditions and as put forth in case VAR05-19, for a variance to allow the proposed accessory structure to have a front setback of 9 feet in the R-1 District with the following conditions:

- 1. The existing significant trees located between the accessory structure and Skycrest Drive must remain intact.**
- 2. The front property line must be identified and marked clearly for preliminary and final inspections.**

Motion: Youngberg

Second: Schneider

Ayes: Youngberg, Schneider, Neubauer, Brekke, McGill

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

CUP10-19 Integrated Roadside Vegetation Management

Marcus Amman presented the staff report and stated that Story County Conservation is requesting a Conditional Use Permit to build an addition, 40'x40'x14', on the south side of the existing Integrated Roadside Vegetation Management (IRVM) shop building. The addition to the shop will primarily be used for year round storage of equipment depending on need and weather. This addition is replacing a 50'X50' pole building that was destroyed in 2017.

Neubauer asked what happened to the previous building that was destroyed. Amman stated that the building was destroyed by a storm.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Conservation IRVM Building Addition as put forth in case CUP10-19, as submitted.

Motion: Neubauer

Second: Brekke

Ayes: Neubauer, Brekke, Schneider, Youngberg, McGill

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

BOARD/STAFF COMMENTS:

Staff: Moore introduced Sandra King who is the new Director of External Operations and County Services. Moore provided an update on possible upcoming cases for the January meeting, gave a work program update, and stated that there will be upcoming training in the spring sponsored by the ISU Extension if anyone is interested.

Board: Wendie Schneider was introduced as the new Board of Adjustment member and all members provided an update on their background.

ADJOURNMENT: 5:50 PM

Approval of Minutes

Title and Date