

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



“Commitment, Vision, Balance”

**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](http://WWW.STORYCOUNTYIOWA.GOV)**

<b>DATE:</b> September 18, 2024	Matthew Neubauer, Chair	2026
	*Andrew Friend	2027
<b>CALL TO ORDER: 4:00 pm</b>	*Kelli Excell	2028
	Nathan Hovick	2024
<b>PLACE:</b> Public Meeting Room In the Administration Building	Elara Jondle	2024
	*Absent	

**Special Note:** Members of the public could also participate via Zoom.

**STAFF PRESENT:** Leanne Harter, Director; Andrea Wagner, Senior Planner; Leslie Day, Recording Secretary.

**PUBLIC PRESENT:** None.

**APPROVAL OF AGENDA:**

**MOTION:** Hovick moved to approve the agenda as is.

**Motion:** Hovick

**Second:** Jondle

**Voting Aye:** All

**Voting Nay:** None

**Not Voting:** None

**Absent:** Excell, Friend

**Motion passed. MCU.**

**APPROVAL OF MINUTES:**

**MOTION:** Jondle moved to approve the August 21, 2024, minutes.

**Motion:** Jondle

**Second:** Hovick

**Voting Aye:** All

**Voting Nay:** None

**Not Voting:** None

**Absent:** Excell, Friend

**Motion passed. MCU.**

**APPROVAL OF FINDINGS OF FACT:**

**Findings of Fact for Conditional Use Permit CUP24-000016, InRoads**

**MOTION:** Hovick moved to approve the Findings of Fact for CUP24-000016.

**Motion:** Hovick

**Second:** Jondle

**Voting Aye:** Hovick, Jondle, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Excell, Friend

**Motion passed. MCU.**

**PUBLIC COMMENTS:** None

**NEW BUSINESS:** None

**OTHER BUSINESS:** None

**PUBLIC HEARINGS:**

**Consideration of Revocation of The Approved Conditional Use Permit (Case No. CUP04-10, HZ Windpower —Leanne Harter**

Harter presented the HZ Windpower Consideration for Revocation of the approved Conditional Use Permit CUP04-10.

Hovick asked if the Planning and Development Department was officially notified in May 2024 that the wind turbines were not producing energy, then would the year period be counted from that day.

Harter responded the Planning and Development Department was aware that they have not been producing energy for over a year before that notification was made.

Hovick asked if the Planning and Development Department had verified that the wind turbines are not producing energy.

Harter explained that the Story County Attorney's office had been in conversations with the wind turbine company, because they are going through bankruptcy court. Also, the wind turbines may soon have a new property owner.

Neubauer asked if the new owner would need to get a new CUP.

Harter confirmed they would need a new CUP, if the Board of Adjustment takes action to revoke CUP04-10, which is staff recommendation.

Hovick asked if the motion to revoke needed to include transfer of property owners.

Harter responded it did not. When it is revoked the Planning and Development Department will look at who the current property owner is.

Neubauer asked if the responsible party was the wind energy company.

Harter responded that to decommission the site, there are private easement agreements between land property owners and the wind turbine companies, and a decommissioning plan that the County is not a part of for this particular application. She further explained the current regulations have a different approach: The County would be involved and would have a decommissioning fund to Story County. However, that is not the case in this Conditional Use Permit.

Hovick asked if it becomes the land owner to decommission if the turbines do not get sold, and the company goes bankrupt.

Harter stated she was not sure and would have to verify that.

Neubauer asked if the revocation was being done to increase enforcement abilities of the County.

Harter confirmed that statement.

**MOTION:** Hovick moved to accept staff recommendation and revoke CUP04-10, finding that the conditional use is discontinued as the approved C-WECS consisting of two wind turbines has not been producing energy for greater than one year, and the applicants have not developed and submitted a plan to the Director outlining the steps and schedule for returning the C-WECS to service and revoke Conditional Use Permit (Case No. CUP04-10).

**Motion:** Hovick

**Second:** Jondle

**Voting Aye:** Hovick, Jondle, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Excell, Friend

**Motion passed. MCU.**

#### **ADDITIONAL ITEM(S)**

None

#### **BOARD COMMENTS**

Harter mentioned there may not be an October meeting.

#### **STAFF COMMENTS**

None

#### **ADJOURNMENT**

**MOTION:** Jondle moved to adjourn the meeting.

**Motion:** Jondle

**Second:** Hovick

**Voting Aye:** All

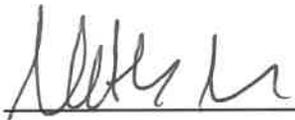
**Voting Nay:** None

**Not Voting:** None

**Absent:** Excell, Friend

**Motion passed. MCU.**

**ADJOURNMENT: 4:17 PM**



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**Approval of Minutes**

4315  3/01/2025

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**Title and Date**