



**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: October 21, 2020	Steve McGill, Chair (Zoom)	2022
	Matthew Neubauer, (Zoom)	2021
	Kelli Excell (Zoom)	2023
	Nathan Hovick (Zoom)	2024
	Elara Jondle (Zoom)	2020

CALL TO ORDER: 4:00 PM *Absent
PLACE: Zoom Meeting Originating
From Administration Building

Special Note: Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, the capacity of our meeting room is significantly limited. Therefore, public access to the meeting will be provided via Zoom.

PUBLIC PRESENT BY CONFERENCE CALL: Mike Roth, Jordan Cook, Erin Clanton, Michael Crow, Steve Van Dyke, Ray Ringgenberg

STAFF PRESENT: Amelia Schoeneman, Planning and Development Interim Director (Zoom); Marcus Amman, Planner (Zoom); Stephanie Jones, Recording Secretary (Zoom)

ROLL CALL: McGill, Neubauer, Excell, Hovick, Jondle

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Motion by Neubauer, Second by Jondle to approve the September 16, 2020 minutes. (MCU)

APPROVAL OF WRITTEN FINDINGS OF FACT

**CUP03-20, 04-20, 05-20 StoryComm
VAR02-20 Balbiani
VAR01-20 Friend
CUP02-90.8 Martin Marietta
CUP07-18.1 Inroads**

Motion by, Neubauer, Second by Excell to approve the Findings of Fact. (MCU)
Voting Aye: Neubauer, Excell, McGill, Hovick, Jondle
Voting Nay: None
Vote: (5-0)

PUBLIC COMMENTS:
None

HEARINGS:

CUP06-20 Nevada Wastewater Facility

Amelia Schoeneman provided a summary and stated that this is a request for a conditional use permit for a new Wastewater Treatment Facility for the City of Nevada, located on parcel 11-31-200-305, on the south side of 270th Street and west of West Indian Creek. The Board previously heard the request at their September 16, 2020, meeting and tabled the request, directing the applicant to work with the property owner of the land where the sewer was proposed to be permanently located to come to a mutual agreement on the sewer's location.

The alignment was revised so that the sewer was located in the 270th-Street right-of-way instead of on private property. The applicant provided this revised sewer alignment for the Board's consideration. Staff routed the revised sewer plan alignment to the County Engineer. Concerns about the impact on traffic at the intersection were expressed, but he stated that he will review the construction plans when available and that it appears possible. A notice letter with the revised alignment was mailed to property owners within a quarter mile on October 9, 2020. Ray Ringgenberg raised concerns with the alignment of the sewer on the east side of S-14 where the rural water line is located. The sewer is proposed to cross from the west to the east side of the S-14 right-of-way at 260th Street. The rural water line continues on the west side of the right-of-way for an additional half-mile before crossing. Maintaining the sewer on the opposite side of the road as the rural water would require three crossings of S-14. The County Engineer requested the number of crossings be limited. The sewer is required to maintain a setback from water lines when on the same side of the road. Schoeneman stated that if there are large deviations in the proposed sewer alignment such as permanently crossing onto private property, the conditional use permit shall come back to the Board of Adjustment for modification. Insignificant modifications such as changing the alignment of the sewer in the right-of-way from the east side of S-14 to the west would be reviewed by staff.

Schoeneman stated that the property value study previously recommended as a condition had been completed and found that the wastewater treatment facility will not diminish or impair established property values of adjoining or surrounding properties. Staff recommends striking this recommended condition as it has been satisfied.

Ray Ringgenberg stated that there was a requirement for HR Green to communicate with him and he had encouraged them to reroute the sewer line. Ray stated that he spoke with the Story County Engineer about private drainage tiles in the area. He has concerns about damage to drainage tiles being done by the sewer line. Ringgenberg feels that drainage tiles and a sewer line should not appear on the same plain or elevation due to both using gravity to flow downhill.

Schoeneman stated that the engineers understand that the sewer line and the drainage tiles cannot be on the same elevation. Any unmapped tiles could be identified by adding a condition for the applicant to communicate with property owners prior to applying for the utility permit with the County Engineer's Office to request information on private tile crossings.

Mike Roth with HR Green stated that he is aware that the current utility application process is to make sure that the County Engineer's requirements are met and work will be completed to

ensure that field tiles are located. Roth stated it is very likely that the field tiles will not interfere with the sewer pipe because appear to be much higher, but work will be done to identify the depths and locations to ensure there should not be issues.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the City of Nevada Wastewater Treatment Facility as put forth in case CUP06-20, with the following conditions:

- 1. A stormwater management plan meeting the requirements in Section 88.05 of the Story County Land Development regulations shall be submitted with the zoning permits for the facility.**
- 2. The applicant shall work with County Conservation on native landscaping to ensure compatibility with the Jennette Heritage Area and to develop a management plan to maintain the site in functional native environmental systems.**
- 3. Planning and Development staff shall inspect all site, building, and other wastewater treatment plant improvements during the construction phase of the project.**
- 4. The applicant shall communicate with property owners along the proposed sewer route prior to applying for the utility permit with the County Engineer's Office to request information on private tile crossings.**

Motion by: Neubauer

Second by: Hovick

Voting Aye: Neubauer, Hovick, Excell, McGill, Jondle

Voting Nay: None

Vote: (5-0)

CUP07-20 Cambridge Outfall Pipe

Marcus Amman presented the staff report and stated that the City of Cambridge is proposing the construction of a new waste water outfall pipe from their existing lagoon system. The current outfall pipe does not meet the distance requirements for ammonia and E. Coli mixing measurements. The proposed outfall pipe would allow for the city to meet IDNR ammonia and E. Coli mixing requirements at a distance of 2,000 feet from the closest creek. The proposed pipe will be directionally bored to the new outlet location on the south side of the Heart of Iowa bridge that goes over the South Skunk River on property owned by Story County Conservation. The Story County Planning and Zoning Commission recommended that the Story County Board of Adjustment approve the Conditional Use Permit with condition.

Hovick asked why the Planning and Zoning Commission wanted the condition. Amman stated that the condition was from staff to show that the proposal meets the IDNR requirements.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the City of Cambridge Wastewater Outfall Pipe CUP07-20, with the following condition:

- 1. The applicant shall provide ammonia and E. coli mixing study results to the Planning and Development Department after construction and mixing study is completed**

Motion by: Jondle

Second by: Neubauer

Voting Aye: Jondle, Neubauer, Hovick, McGill, Excell

Voting Nay: None

Vote: (5-0)

OTHER BUSINESS

Election of Vice Chair For Remainder of 2020 Calendar Year

Neubauer volunteered to serve the remainder of the year as Vice Chair. **McGill appointed Neubauer as Vice Chair for the remainder of the 2020 calendar year and all members were in favor.**

Special Meeting Time for November, 2020

Schoeneman stated that the Board of Supervisors have scheduled a special meeting for a public hearing on a new ordinance regulating septic systems on November 18, 2020, at 6:30 PM. The meeting is scheduled for the public meeting room. The regular November meeting of the Board of Adjustment is scheduled for November 18, 2020, at 4 PM. In the interest of allowing adequate time between the special Board of Supervisors meeting and the Board of Adjustment meeting, and ensuring the room is available, staff recommends holding a special November meeting at 3 PM on November 18, 2020. Staff is not aware of any cases that will be on the agenda and the deadline for a submittal is November 2.

Everyone was in favor of the 3:00 PM meeting time for the November 18.

Amendment To Rules Of Procedure

Planning and Development staff is proposing to amend the Board of Adjustment Rules of Procedure to conform with HF 2512, the recent legislation limiting the board's membership to be eligible electors and reside within the area regulated by the County Zoning Ordinance (unincorporated area). The Rules of Procedure previously stated that a majority of members were required to live in the unincorporated area. The proposed amendment states that all members shall live in the unincorporated area. Planning staff recommends that the Board of Adjustment support amending the Rules of Procedure to be in conformance with state law.

MOTION: Accept the amendment of the Rules of Procedure to be in conformance with state law.

Motion by: Neubauer

Second by: Jondle

Voting Aye: Neubauer, Jondle, McGill, Excell, Hovick

Voting Nay: None

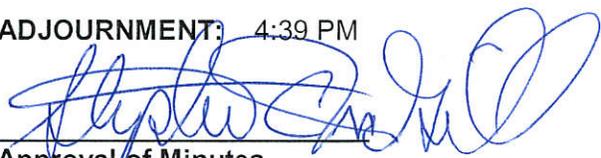
Vote: (5-0)

BOARD/STAFF COMMENTS:

Staff: Schoeneman stated she has been appointed as the Interim Planning and Development Director while a search is being done for a permanent director. Schoeneman will keep the board posted about whether or not there will be a November Board of Adjustment meeting.

Board: None

ADJOURNMENT: 4:39 PM


Approval of Minutes


Chairman 11-18-2020
Title and Date