

**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> July 19, 2023        | Matthew Neubauer, Chair | 2026 |
|                                   | *Andrew Friend          | 2027 |
| <b>CALL TO ORDER:</b> 4:00 pm     | Kelli Excell            | 2023 |
|                                   | Nathan Hovick           | 2024 |
| <b>PLACE:</b> Public Meeting Room | *Elara Jondle           | 2024 |
| In the Administration Building    | *Absent                 |      |

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

**STAFF PRESENT:** Amelia Schoeneman, Director; Marcus Amman, Planner; Andrea Wagner, Planner and Leslie Day, Recording Secretary.

**PUBLIC PRESENT:** William Peden (Zoom), Rich Miller (Zoom), Jamie Willey (Zoom), Nick Peterson (Zoom), Sam Fletcher (Zoom), Brent Strauch – Shive-Hattery (Zoom), Ray Klein (Zoom), Asrun (Zoom), Suzanne Slack (Zoom), Liang Dong (Zoom), and John Washington (Zoom).

**APPROVAL OF AGENDA:**

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

**Motion:** Excell

**Second:** Hovick

**Voting Aye:** (MCU)

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

Motion passed.

**APPROVAL OF MINUTES:**

Amelia Schoeneman explained the minutes had been adjusted since they were posted. The appeal of the director's decision was missing "Voting Nay", so "Voting Nay: None" was added.

**MOTION:** Excell moved to approve the minutes with the adjustment presented.

**Motion:** Excell

**Second:** Hovick

**Voting Aye:** (MCU)

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

**PUBLIC COMMENTS:** None

**PUBLIC HEARING: V23-000001 ISU Solar Array**

Marcus Amman presented on the V23-000001 ISU Solar Array.

Neubauer asked what Amman meant by "superior sovereignty" and if that imply that variances do not apply to Iowa State University.

Schoeneman explained that is it when a city or other public entity, often times state agencies, takes a stance that as a local government, permitting does not apply. She added that it is the case of two governmental agencies trying to balance the fact that both are seeking the public interest. Because their work is towards public interest, there is more latitude on what can be permitted. In this case, it's not that the ordinance does not apply, but that a certain amount of latitude would be provided for this uses that are in the public interest. Because of that latitude, there is some question of what process they are required to go through.

Neubauer clarified if this was an individual they would have a hard time approving the variance but because it's a public entity there are different rules.

Schoeneman mentioned previous successful variances, like a borrow pit for the Iowa Department of Transportation for Interstate 35 that was constructed too close to the road right of way.

Marcus added the borrow pit variance was also granted for the greater good of the public.

Neubauer said he recognizes that, but asked as a county where are the guardrails are for treating different entities differently.

Marcus responded that those were public entities with projects advancing the public interest versus private individuals. Also mentioned there is a lot of research that will come from this project, and will benefit the public.

Neubauer asked if the applicant was present.

Brent Strauch with Shive Hattery, 4125 Westtown Parkway, West Des Moines, IA, stated they were there to answer questions and they also had representatives from Alliant Energy, Iowa State University and the contractor to answer any questions the Board may have.

**Public Comments:**

John Washington, 26114 520<sup>th</sup> Avenue, Ames, IA, stated his property is south of the property in question and is surrounded by Iowa State University land on all 3 sides, so he is interested in this variance. He added that the variance for 520<sup>th</sup> Street is not an issue, and not worth the redesign, because it's just 6 feet, but on 260<sup>th</sup> Street is 17 feet and the equipment pad and driveway could easily be shifted about 18 feet to the south so it's in compliance. And this change wouldn't affect the solar array panel layout. Washington requested that the board would consider granting the variance for the 6 feet setback on 520<sup>th</sup> Avenue, but consider denial of the 17 feet variance request along 260<sup>th</sup> Street.

Brent Strauch with Shive Hattery, stated for the board consideration, as part of this project and to expedite the process and maximize the grant application, there have been different conduits that have been installed, from an electrical standpoint, directing to where the equipment pad is placed now and shifting from the design as proposed would mean reconstruction of those items, including the conduit and the drive as they were permitted and inspected.

John Washington commented the driveway and the equipment pad were only partially constructed as of that morning.

Neubauer asked Schoeneman to show a map that showed where the variances are in relationship to the houses.

Schoeneman showed an aerial map and explained where Mr. Washington's property was, as well as the location of the arrays, the driveway and equipment pad. Also clarified that the variance is for the equipment pad, not the driveway. She stated that there needs to be a certain amount of spacing between the driveway, pad, and the arrays. There are also research crops and plantings starting in the space between the driveway, pad, and the arrays, as well as pollination planting in the north end of the driveway. Any change in this spacing would affect the research purpose.

Excell asked if the reason they shifted everything was because of the wetlands and if the topography limits the use of the space.

Schoeneman responded the project was clearly designed around the wetland to the south of the property and they do need certain topography for the solar arrays and their installation.

Neubauer asked if the equipment pad was the rectangle north of the driveway and if that was what needed a variance.

Amman responded that was correct, and shifting of the equipment pad south would affect the crop area and the equipment they will use for the open areas.

Neubauer asked to clarify if an equipment pad is just a cement pad.

Amman responded it is a cement pad with two electrical boxes on top, and the largest box would be about 8' wide 8' tall and 3' deep.

Schoeneman added that typically for a residential development transformer the setback would not apply but because this is an equipment pad associated with a conditional use, the 50 feet setback applies.

Hovick asked if all the other driveways on that road are for Iowa State University.

Amman confirmed they were.

Excell inquired about an area on the north of the property, shaped as a parallelogram on the drawings.

Amman responded that was another wetland.

Excell asked if the only portion that was not in compliance was the equipment pad.

Amman confirmed that was correct, because the drive only has a five feet setback.

Excell asked if they could state in their approval that the variance is just for the equipment pad, so other items could not be added later.

Schoeneman confirmed.

Neubauer asked if the west variance was just for the array.

Amman said that was correct, the arrays on the farthest west will be 44 ft. from the right of way, so the variance is for 6 ft.

Schoeneman explained that typically that would be a corner setback at 37½ ft., if the setback was not taken from the right of way, because it is an array, the setback would be determined based on the arrays height and would be far under 50 ft. But because this is a conditional use permit, the most restrictive set back (50 feet) has to apply. Also, the array will be 10 ft. at maximum height.

**Motion:** Excell moved to approve the Findings of Fact for Variance V23-000001 based on the additional testimony.

**Second:** Hovick

**Voting Aye:** Excell, Hovick, Neubauer

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

**Motion passed.**

**Motion:** Hovick moved that the Story County Board of Adjustment approves Alternative number one: The ISU Solar Array Setback variance request, as requested by the applicant and put forth in case V23-000001, for a variance of 17 feet for the equipment pad and equipment from the northern property line and a variance of 6 feet for the solar array from the western property line from the required setback of 50 feet to allow the proposed equipment pad and commercial solar array to have a setback of 33 and 44 feet in the A-1 District.

**Second:** Excell

**Voting Aye:** Excell, Hovick, Neubauer

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

**Motion passed.**

**PUBLIC HEARING: CUP23-000009 Alliant Energy Solar Farm at Iowa State University**

Amelia Schoeneman presented the Conditional Use Permit CUP23-000009 Alliant Energy Solar Farm at Iowa State University.

Hovick stated for a decommissioning plan solar panels have a life span of 30-40 years but all their parts are replaceable or rebuildable, and asked if the county would make the applicant deconstruct them after 40 years.

Schoeneman answered no, the arrays would have to be deconstructed if the use ceases and the applicant would do it themselves.

Hovick asked how would it be determined if they are no longer in use.

Schoeneman answered it would probably be code enforcement or they would provide a report that they are no longer being used. She added that the board can add a condition requesting that the applicant tell us if they are no longer being used.

Neubauer asked if the applicant had anything to say on behalf of the project.

Strauch (Zoom) stated they were available for questions.

Neubauer asked what kind of crops are anticipated to be grown under the panels.

Strauch stated that is still being determined, but the Iowa State University agricultural research team is trying to come up with a variety of low and medium height crops that would fit under them.

Nick Peterson with Alliant Energy, 2500 N Loop Dr. Ames, IA, stated the 1<sup>st</sup> round of growing would be high value crops: broccoli, squash and peppers and then two fruit crops: raspberries and strawberries along with pollinator habitats.

**Motion:** Hovick moved to approve the Findings of Fact as presented by staff.

**Second:** Excell

**Voting Aye:** Excell, Hovick, Neubauer

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

**Motion passed.**

**Motion:** Excell moved that the Story County Board of Adjustment approves Alternative number 2: The Conditional Use Permit for the Alliant Energy Solar Farm at Iowa State University as put forth in case CUP23-000009 with the following condition:

The following materials meeting the requirements of Story County Land development regulations 90.08(8) supplemental standards for C-SES shall be submitted prior to construction:

- Decommissioning plan
- Financial security

**Second:** Hovick

**Voting Aye:** Excell, Hovick, Neubauer

**Voting Nay:** None

**Not Voting:** None

**Absent:** Jondle and Friend

**Motion passed.**

## **COMMENTS**

**Staff:** Schoeneman mentioned she would be emailing the Board of Adjustment members about a deposition over the Findings of Fact approved for the Raspberry Hill Bed & Breakfast, because their adoption was appealed. The attorney for the neighbor wishes to interview the board members, and is hoping to do that the first week of August. Schoeneman also announced she accepted a position with the City of Ames, so this would be the last board of adjustment meeting she would be attending.

**Board:** None.

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

**Motion:** Hovick

**Second:** Excell

**Voting Aye:** MCU

**Voting Nay:**

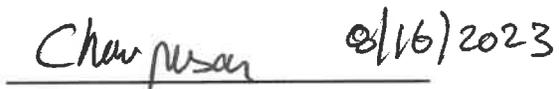
**Absent:** Jondle

**Motion passed.**

**ADJOURNMENT: 4:48 PM**

A handwritten signature in black ink, appearing to be "M. M.", written over a horizontal line.

**Approval of Minutes**

Handwritten text "Chapman" followed by the date "8/16/2023", both written over a horizontal line.

**Title and Date**