

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



"Commitment, Vision,

**515-382-7245
515-382-7294 (FAX)**

**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: January 18, 2017	Steve McGill	2017
	Lynn Scarlett	2018
CALL TO ORDER: 4:30 p.m.	*Karen Youngberg	2019
PLACE: Public Meeting Room Administration Building	Randy Brekke (Conference Call)	2019
	*Absent	

PUBLIC PRESENT: Anthony Hofbauer, Darrell Hunter, Ross Schade, Sabrina Swenson, Steve Black, Robert and Evelyn Howe, Brian Connello, Cindy Hildebrand

STAFF PRESENT: Jerry Moore, Director; Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Scarlett, Brekke

ABSENT: Youngberg

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

November 9, 2016

AMMENDMENT OF JULY 28, 2016 MINUTES (MCU)

PUBLIC COMMENTS: Opened 4:33 p.m. – Closed 4:33 p.m.

None

ELECTION OF OFFICERS FOR 2017 CALENDAR YEAR

MOTION: McGill to remain Chair for the 2017 Calendar Year.

Motion: Scarlett

Second: Brekke

MCU

MOTION: Scarlett to remain Vice Chair for the 2017 Calendar Year.

Motion: Brekke

Second: McGill

MCU

APPROVAL OF 2017 MEETING SCHEDULE

McGill moved for the 2017 meeting schedule to stand as presented by staff.
MCU

HEARINGS:**CUP 03-08.1 CENTER GROVE ORCHARD TRAFFIC AND GRADING STUDIES**

STAFF MEMBER: Jerry Moore

Jerry Moore gave an overview of the CUP, which included nine conditions, two of which was for a traffic study to be conducted within one year on HWY 210 and 610th St adjacent to the Center Grove Orchard property during peak and other operating times of the season for traffic comparison and the impact of the grading that occurred on the property for the train tracks with the County's environmental requirements. Another condition limited the operation of the Center Grove Orchard for one year pending completion of the traffic and grading study results. Center Grove Orchard hired Snyder & Associates to conduct the traffic study, which was completed, and four recommendations given. 1) Maintain 610th as the primary access point. 2) Maintain parking lot attendants during busy weekends. 3) Roadway lighting. 4) Mow ditch north of IA 210, west of 610th to prevent obstruction of view to traffic. Steve Black supports the recommendations identified and staff will work with Mr. Black on the completion of the four items. Snyder & Associates also recommended that the grading of the train tracks met the County's storm water and erosion control requirements.

APPLICANT COMMENTS:

Scarlett asked Steve Black if lighting was going to be a possibility. Mr. Black stated that he has not contacted the utility companies yet and that he is unsure at this time if the DOT will allow lighting. Mr. Black agreed to look into those items.

MOTION: The Story County Board of Adjustment recommends approval of the findings and recommendations of the traffic study and grading analysis of train tracks and removing the one year operations limitation.

Motion: Scarlett

Second: Brekke

Ayes: Scarlett, Brekke, McGill

Nays: None

Not Voting: None

Absent: Youngberg

Vote: 3-0

CUP 07-16 MINNOWA BORROW PITS

STAFF MEMBER: Jerry Moore

Jerry Moore presented the staff report and gave an overview of the proposed project. The applicant is proposing two borrow pits in the northern portion of the property. The materials extracted are for a nearby Iowa Department of Transportation project to relocate the off ramp on I-35 eastbound to Highway 30. A 4' high berm would be placed around the perimeter of the borrow pits to assist with keeping floodwater out. For safety purposes a portion of 245th Street would be closed during the extraction phase for the borrow pits and staging area for construction equipment and supplies will be fenced. Staff recommends approval with conditions. The extraction portion of the project is anticipated be completed in December of 2017. Brian Connell with Minnowa Construction was present and offered to answer any questions.

Public Comments:

Sabrina Swensen stated that she was aware of this project, but was not aware of the impacts that the heavy equipment would be doing to Sand Hill Trail. Ms. Swensen does not feel that the dust control measure is enough to address future potential problems that are likely to occur to the road. Jerry Moore stated that there are plans to close part of 245th during the extraction work and that beyond the planned dust control measures any other issues that came up during the project with the road would need to be addressed through the County Engineer's Office. Brian Connell with Minnowa Construction gave his contact information to the citizens present at the meeting with the concerns and he requested them to contact him if they experience issues with the road related to his requested project.

Robert Howe asked where the dirt was going to be hauled. Mr. Moore explained that the material would be moved from the borrow area through the northwest corner of the site to the adjacent IDOT right-of-way and to the project location.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit as put forth in case CUP07-16, with the conditions supported by the Story County Planning and Zoning Commission. The conditions were as follows:

- 1. Apply for and obtain flood plain permit approval from Story County.**
- 2. Install erosion control materials to stabilize creek bank as shown on drawings submitted for the CUP application.**

Motion: Scarlett

Second: Brekke

Ayes: Brekke, McGill, Scarlett

Nays: None

Not Voting: None

Absent: Youngberg

Vote: 3-0

APPEAL01-16 SCHADE APPEAL OF DIRECTORS DECISION From Ross Schade, 25498 Sand Hill Trail, Ames, IA

STAFF MEMBER: Jerry Moore

Jerry Moore gave an overview of the request to appeal the Director's Decision of an agricultural exemption issued on November 1, 2016 for an accessory building for 100 cow calf pairs to be located on the subject property located at 25595 Sand Hill Trail. The property is also located within the Ames Urban Fringe Plan and is designated Rural Service and Agricultural Conservation Area and subcategory Agriculture and Farm Service. Mr. Schade's concerns about the granting of the agricultural exemption are: 1. The agricultural building is located in an area where there are 11 dwellings within ½ mile. 2. Nuisance associated with livestock production 3. Reduced property values. 4. Trucking in and dumping manure on site. Mr. Moore shared comparisons with other agriculture exemptions granted and also presented information about assessed property values for properties nearby. Of the properties identified all but one had sold for prices greater than the assessed value.

Mr. Schade spoke and had questions regarding the setbacks for the building. Mr. Moore stated that because the building is exempt from the county requirements the property owner could place the building near the front property line if he wanted to. Mr. Schade also stated that there is 46 homes in the Sand Hill area (26 on Sand Hill Trail and then back about a ¼ of a mile towards the borrow pit area there is an additional 20 homes) and he feels the middle of all of these homes is not a good location for a cattle operation. Mr. Schade stated that it is not pleasant to be so close to the odor created by the cattle operation and that he would like the Board to choose option 3 and appeal back to staff for further review. Mr. Schade stated that he would like to suggest that the zoning for this area be reconsidered and not allow the cattle operation so close to all of the homes in the area.

Sabrina Swensen stated that her property is right next to the property and does appreciate farmers and knows that we need them. She feels they have been good neighbors over the years. Ms. Swensen stated that they were unaware of the buildings going up and feels that the neighbor should have notified them of these buildings. Ms. Swensen's main concern is the odor and fly problem in the area and feels that adding another 200 animals is going to make the situation worse.

Robert Howe spoke and stated that he is right to the north of the property in question. He is concerned about the fly problem that they already have and bringing in more animals as proposed will cause a huge increase with the flies. Mr. Howe has no issues with another building in the area, but would appreciate if the building could be located in a different area further away from the dwellings.

McGill stated that he understands the situation, but reminded the board that the question here is the decision regarding the granting of the agricultural exemption and state law. Mr. Moore stated that the County's provisions for agriculture exemptions reflect state regulations and if Mr. Schade and the others want to try to make changes to the state regulations they should discuss this with their legislators. Mr. Moore also stated that the County's provision and state law does not require when reviewing an agricultural exemption to consider the adjacent land uses (whether it is residential or other uses), the potential for the agricultural use of the building in becoming a nuisance, the impact on property values, or the potential of noncompliance to Iowa Department of Natural Resource requirements. Mr. Moore also suggested that the Iowa DNR could be contacted as well with concerns about manure piles.

MOTION: The Story County Board of Adjustment supports the Director's Decision to grant the agricultural exemption to Mr. Hofbauer for the proposed 4848 sq. ft. accessory structure at the subject property located at 25595 Sand Hill Trail.

Motion: Scarlett
Second: Brekke
Ayes: McGill, Brekke, Scarlett
Nays: None
Not Voting: None
Vote: 3-0

OTHER BUSINESS:

None

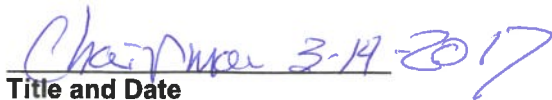
STAFF COMMENTS:

Jerry Moore stated that JoAnne Anderson's last meeting was December and that the Board staff are currently trying to find a new member to appoint to the Board of Adjustment.

ADJOURNMENT: 5:46PM



Approval of Minutes



Title and Date