

**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: June 19, 2019	*Steve McGill	2022
	Lynn Scarlett	2023
CALL TO ORDER: 4:12 PM	Karen Youngberg	2019
PLACE: Public Meeting Room	*Randy Brekke	2019
Administration Building	Matthew Neubauer	2021
*Absent		

PUBLIC PRESENT: Jeffrey Bryce, Natalie Flinn, Vera Mathis, Nick Bierstedt, Matt Schwartz, Trevor Biggs, Ryan Callaha, David Ozee, Crystal Ozee, Donnie Collins, Mark Gannon, Kimberly Dickey, Ron Huhn

STAFF PRESENT: Jerry Moore, Planning and Development Director; Marcus Amman, Planner; Stephanie Jones, Recording Secretary

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

ABSENT: McGill, Brekke

APPROVAL OF AGENDA Item number 7.IV was moved to 7.II. (MCU)

APPROVAL OF MINUTES (MCU)
May 15, 2019

APPROVAL OF FINDINGS OF FACTS FROM MAY 15, 2019 MEETING Motion by Neubauer
Second by Youngberg (MCU)

Written Findings of Fact CUP03-19

PUBLIC COMMENTS: None

HEARINGS:

Jerry Moore asked for the benefit of the general public and applicants if there were still board members that needed to leave early tonight. Scarlett and Youngberg both needed to leave by 6:00.

CUP05-19, STORY COUNTY WIND, LLC, CONVERSION OF EXISTING WIND ENERGY CONVERSION SYSTEMS

Jerry Moore presented the staff report and summarized that this request is for a Conditional Use Permit involving the conversion of 100 existing Wind Energy Conversion Systems– WECS owned by Story County Wind, LLC located in northeast Story County in Warren, Lincoln and Sherman Townships. The applicants propose to remove the existing blades and hub assembly (Nacelle) parts (generator & gearbox) on the existing WECS and install 50 rotors 87 meters in size and 50 rotors 91 meters in size. The existing hub assemblies are equipped with GE 1.5 megawatt components and will be replaced with GE 1.62 megawatt components. The existing structural supports will not be replaced and the heights of the proposed WECS will be approximately 405 feet and 412 feet high. Details of the variances from the WECS conversions and street right-of-way and communications/electrical line are in the staff report. Moore stated that at their June 5, 2019 meeting, the Story County Planning and Zoning Commission recommended approval of the conversion project for 100 existing WECS with conditions.

Youngberg asked why there is an additional setback. Moore stated that it is a requirement in the ordinance and if the units fall, they would still be outside of the road right-of-way.

Neubauer asked if the remaining eight could be built without agreements being reached. Moore stated that shadow flicker requirements have to be met or negotiations have to be made with the landowners.

Youngberg asked what scientific studies assure there are no health risks. Jeffrey Bryce stated that numerous studies have been completed on shadow flicker and noise and are within regulation with the exception of a few shadow flicker exceedances that do not meet the Story County Code. It was determined that a waiver be in place for the exceedances and if an agreement is not met then they are not allowed more than 10 hours of shadow flicker per year. Youngerberg asked if the air pressure is changed. Bryce stated that with the 1000-foot setback there is very little risk involved even with bigger blades. Bryce stated that turbines closer to homes have smaller blades.

Bryce stated that he has staff present if there are any detailed questions. The timeline for completion is before Thanksgiving (2019). All landowners will know in advance when to expect the construction to occur. Youngberg asked if negotiations remaining are for shadow flicker. Bryce stated there were 21 originally and are presently working through eight with the legal team to develop agreements. Neubauer asked what the lay ground yard is. Bryce stated that it is a construction area for the maintenance to take place on site. Youngberg asked how much power stays in state. Bryce stated that Alliant Energy is the purchaser so all of the power stays.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit request for the WECS conversion project as put forth in case CUP05-19 with conditions including the Variance VAR02-19 with conditions.

- 1. The applicant shall submit documentation from an Iowa licensed engineer when the zoning permit applications are submitted for the proposed 100 WECS conversions that they will meet the National Electrical Code and that the existing structural supports will accommodate the weight of the proposed rotors and hub assemblies. (Agreed)**
- 2. The applicant shall submit documentation of continued financial capability to cover 130% of decommission costs as determined by an Iowa licensed engineer for the proposed 100 WECS conversions, prior to the Board of Adjustment acting on the CUP & Variance requests and ultimately acted on by the Story County Board of Supervisors.**
- 3. All negotiations with property owners shall be completed or the applicant shall provide documentation that the County's regulation will be met regarding Shadow Flicker prior to the Board of Adjustment acting on the CUP & Variance requests. The applicant may however, request the Board of Adjustment to table action on a WECS conversion request involving a negotiation with a property owner that is not finalized so as not to delay the project. (Requesting deferral on 8 WECS to complete negotiations with property owners)**

4. The applicant shall submit documentation from ITC, the owner of the electrical transmission line, that they support the requested setback distance from the proposed WECS conversions prior to the Board of Adjustment acting on the CUP & Variance requests.

5. The applicant shall submit a road maintenance agreement and financial security equal to 130% of all required improvements as approved by the Story County Engineer prior to the Board of Adjustment acting on the CUP & Variance requests.

6. Any crates, packaging material, damaged or worn parts, oil and lubricant containers, barrels and other items associated with removal and installation of the proposed WECS conversions shall be removed from the WECS sites and/or laydown yard and discarded in a timely manner meeting County and state requirements, not to exceed 30 days after project completion.

7. All equipment and supplies associated with the removal and installation process of the WECS conversions shall be removed from the laydown yard not to exceed 90 days after all 100 WECS conversions have been completed and the laydown yard ground shall be restored to current condition to accommodate agricultural use.

Motion: Neubauer

Second: Youngberg

Ayes: Youngberg, Neubauer, Scarlett

Nays: None

Not Voting: None

Absent: McGill, Brekke

Vote: (3-0)

DISCUSSION AND CONSIDERATION OF CUP06-19 STORY WIND, LLC, MET TOWER

Marcus Amman presented the staff report and stated that Story County Wind, LLC is proposing to erect a temporary Meteorological Tower to provide power performance testing in relation to the major modifications proposed (conversion of 100 existing WECS) to the existing Story County Wind Energy Center.

Scarlett asked why limited time of the tower. Moore stated it is temporary and after that time, they could request additional time. Youngberg asked how the bond amount was computed. Amman stated there is a formula (130% of removal cost) used and that is the amount it would cost to remove the tower.

MOTION: The Story County Board of Adjustment recommends the Conditional Use Permit for the Story County Wind, LLC MET Tower as put forth in case CUP06-19, with the following conditions:

- 1. The MET may be located on the subject property for two years.**
- 2. The performance bond of \$21,060 to cover decommissioning cost shall be submitted and reviewed by the Story County Attorney's Office prior to application for a zoning permit for the MET.**

Motion: Youngberg

Second: Neubauer

Ayes: Youngberg, Neubauer, Scarlett

Nays: None

Not Voting: None

Absent: McGill, Brekke

Vote: (3-0)

VAR03-19, MINNOWA CONSTRUCTION BORROW PIT

Marcus Amman presented the staff report. Amman stated the request is for a variance to the Minimum Front Set Back for A-1 Districts of the Story County Land Development Regulations and the minimum setback requirements identified for detailed design standards for mineral extraction uses, which establish a minimum front set back of 50 feet in the A-1 Agricultural Zoning District. The variance request is to permit the completed borrow pit on 9.9 acres of parcel ID 10-18-400-110 on 245th Street for a front setback of 33 feet. If the Board of Adjustment denies the variance, the Minnowa Construction Performance bond for \$20,000 with Story County would be used to complete the project. The performance bond would need to be used and any potential additional costs would be the responsibility of Story County. Planning and Development Staff is recommending approval of the variance with conditions.

Neubauer asked about the 33' measurement and Moore clarified it is measured from the property line to where the slope begins. Moore stated that initially there was going to be two ponds and then there were issues with bridge construction and the borrow pit site, and that a new construction manager had been hired to address construction issues and has been accommodating with providing information requested. Moore stated that there was concern with the access in the northwest area of the property, so the access will be put back in to meet the County's standards. Youngberg asked if the variance is passed if there will be documentation with the county so that any future owners will not have repercussion for not meeting set back. Moore stated that the CUP and written findings of fact would be recorded.

MOTION: The Story County Board of Adjustment approves the Minnowa Borrow Pit variance request with conditions and as put forth in case VAR03-19, for a variance to allow the completed borrow to have a front setback of 33 feet in the A-1 District with the following conditions:

- 1. Minnowa Construction shall provide evidence of meeting the 5:1 slope prior to Planning and Development staff issuing support letter of completion and Story County releasing the \$20,000 bond.**
- 2. Minnowa Construction shall construct a new access and drive with culvert in the northwest side of the property adjacent to 245th Street meeting Story County Engineering and Secondary Roads standards prior to Story County releasing the \$20,000 bond.**
- 3. From a required condition of the flood plain permit, Minnowa Construction shall provide proof of meeting the no-rise in the 100-year flood profile from an Iowa licensed engineer prior to issuance of the final flood plain permit from Story County.**

Motion: Neubauer

Second: Youngberg

Ayes: Youngberg, Neubauer, Scarlett

Nays: None

Not Voting: None

Absent: McGill, Brekke

Vote: (3-0)

Youngberg stated that she had an additional question about any liability to the county. Discussion took place and Mark Gannon stated that there would be signage posted which is required by the insurance company and that ideally he would like to put up fencing.

CUP04-19, CITY OF AMES WATER AND POLLUTION CONTROL DEPARTMENT

Jerry Moore presented the staff report and stated that this Conditional Use Permit request is to construct a water well in the unincorporated Story County to draw water from the Ames aquifer to increase water capacity. The project will increase new source water capacity to offset new growth in demand as well as to offset the loss of productivity of existing wells near downtown to avoid a need to ration water when experiencing a drought. The project includes the

construction of two additional water wells that are planned to be located inside the City limits and water main that will extend to the City's new water treatment plant located to the south. The project also includes installation of buried power transmission line, which will run from a utility electrical service and a new generator, and fiber optic line. At their June 5, 2019 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit request for the new water well.

Youngberg asked about the species that could be affected and if it is a condition. Moore stated that it is required to be monitored by the DNR, and in the event that the bee or two types of bats are found to be in the area and it has to be reported. Moore stated that there are no trees being removed and the area is in row crop, which is beneficial. Youngberg asked about ways that this issue to could monitored. Moore suggested that Planning and Development staff would contact the applicant to communicate the concerns raised by the Board of Adjustment.


MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Public Water Supply Facility (Water Well) project as put forth in case CUP04-19, as submitted.

Motion: Neubauer
Second: Youngberg
Ayes: Neubauer, Youngberg, Scarlett
Nays: None
Not Voting: None
Absent: McGill, Brekke
Vote: (3-0)

BOARD/STAFF COMMENTS:

Staff: Moore introduced Marcus Amman who is the new Planner.
Board: None

ADJOURNMENT: 5:41 PM



Approval of Minutes

Chairman 7-17-2019
Title and Date