

**STORY COUNTY  
PLANNING AND ZONING**  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087



*"Commitment, Vision, Balance"*

515-382-7245

**MINUTES  
STORY COUNTY  
PLANNING AND ZONING COMMISSION**

**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> August 1, 2018       | Aaron Steele, Chair     | 2018 |
|                                   | Jerry Cable, Vice Chair | 2019 |
| <b>CALL TO ORDER:</b> 4:00 PM     | Kathy Mens              | 2022 |
|                                   | Linda Murken            | 2020 |
| <b>PLACE:</b> Public Meeting Room | Marvin Smith            | 2018 |
| Administration Building           | PJ McBride              | 2021 |
|                                   | Jonathan Sherwood       | 2020 |
|                                   | *Absent                 |      |

**STAFF PRESENT:** Jerry Moore, Director; Amelia Schoeneman, Planner; Stephanie Jones, Recording Secretary, Ryan Schweitzer, Planning Intern

**PUBLIC PRESENT:** Matt Hawes, Dave Turner

---

**APPROVAL OF AGENDA (MCU)**

---

**APPROVAL OF MINUTES (MCU)**

July 11, 2018

---

**PUBLIC COMMENTS:**

None

---

**PUBLIC HEARINGS:**

**CUP08-18 City of Gilbert Wastewater Treatment Plan Improvements**

Amelia Schoeneman presented the staff report and stated that this request is for a conditional use permit for improvements to the City of Gilbert's existing wastewater treatment plant. The plant is located southwest of the City of Gilbert, in Section 9 of Franklin Township, with access from George Washington Carver Ave. The current wastewater system does not have sufficient capacity to store and treat wastewater during extended wet weather periods. The City of Gilbert also anticipates future growth necessitating the improvements. A new aerated lagoon system with Submerged Attached Growth Reactors (SAGR) for ammonia removal and Ultraviolet Light (UV) disinfection is proposed. Major improvements to the system will include a new blower building located on the northwest corner of the property to house the aeration blowers. Sludge will be removed from the existing lagoons and work to regrade, till, and compact cells #1 and #2 (the northeastern most cells) will occur. The SAGR system will be installed in the eastern half of existing cell #3. All work/improvements will occur within the existing footprint of the wastewater plant—no expansion is proposed. The project will be completed in multiple phases with final completion by late August of 2019. The proposed improvements will allow the City of Gilbert to treat all wastewater flows, including during wet weather and to accommodate future growth, and

meet all NPDES permit limits. Schoeneman stated that Planning and Development staff recommends that the Planning and Zoning Commission recommend approval of the conditional use permit.

Smith asked how much improvement in capacity is proposed compared to the existing plant. Schoeneman stated that the engineer would be better able to answer that question but clarified that the existing system was a controlled discharge and the proposed was continuous discharge. Murken asked about public access and if the public is allowed on the property. Jerry Moore stated that the only access would be for employees. Murken asked about the floodplain. Schoeneman stated that a preliminary floodplain permit was approved in April for the work in the floodplain. Murken asked about the noise with residential areas close by. Schoeneman stated that the applicant indicated that the blowers would be the main noise, which are inside of the blower building, which is sound proofed.

Matt Hawes, Fox Engineering stated that the staff did a good job explaining the proposal. Hawes stated that the blowers would run continuously and inside the building there is noise, but the noise outside is minimal and typically should not be heard until inside of the building. The aeration system may also create noise. Murken asked if anyone should hear anything from the closest house and asked about the possibility of whether or not houses could be closer in the future. Hawes stated that with the distance from the blower building to the train tracks that there should be more noise from the trains than for any houses located on the east side of the tracks. Schoeneman stated that the blower building is proposed to be located in the far northwest corner of the site. A vegetative buffer is existing on the east side of the site. Mens asked if the creek has ever gotten up to the lagoons in the past. Hawes stated that typically to meet the design standards through DNR that the berms have to be 3 feet over the 100-year flood level. Smith asked how much the capacity would be increased and Hawes stated that it is designed to treat Gilbert's wastewater needs for the next 20 years. McBride clarified that the enhancement to the system will be offering a continual release of the wastewater rather than having it in a holding system and asked what the advantages are. Hawes stated that during heavy rains, the 180-day holding requirement has been outgrown and the new system will allow for rainfall events.

Dave Turner stated that he owns ground southwest of the lagoons and that he is in favor of Gilbert growing, but asked if the new system could negatively affect his property value. Schoeneman stated that the footprint of the system is not going to change. Steele asked if the Assessor had any concerns about decreasing property value. Schoeneman stated that there were no comments from the Assessor. Murken asked where the land is that he owns and Turner stated on the east side of GW Carver and 180<sup>th</sup>.

**MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the City of Gilbert Wastewater Treatment Plan Improvements as put forth in case CUP08-18, as submitted, and directs staff to place the case on the Board of Adjustment agenda.**

**Motion:** Cable

**Second:** McBride

**Voting Aye:** Smith, Mens, McBride, Cable, Steele, Murken, Sherwood

**Not Voting:** None

**Absent:** None

**Vote:** (7-0)

---

#### **ADDITIONAL ITEMS:**

##### **Draft Access Requirements Ordinance Amendment**

Schoeneman went through the proposed changes to the Access Requirements. Schoeneman stated that the main changes proposed were to clarify shared access easement width requirements. Moore stated that there is a mix of information in the current ordinance and the proposed changes attempt to break them down and reorganize them into clear sections on the requirements for accesses from County roads, requirements for new lots that involve Board of Supervisors approval, as well as language about access requirements for existing lots. Schoeneman stated that previously there was a provision for existing lots

that no more than four single-family dwellings shall take access via an easement, and that there had been a recent concern with an existing easement and new lots where it was unclear if the provision applied. Moore stated that for more than four lots, road development needs to be considered. Smith stated he had concerns with changing the rules and limiting the number of new lots allowed to take access through an easement, and asked if there would be an opportunity for someone that could be in a land lock situation and not able to take access via an access easement but have an otherwise buildable parcel to seek a waiver. Moore stated that there needs to be thought given to how many single-family dwellings are appropriate to be permitted without road frontage. Smith had concerns that this could cause issues for current landowners that have already purchased buildable lots. Discussion took place about divisions over time triggering subdivision requirements and why a road may actually be required instead of an easement through subdivision requirements. Steele had concerns that 1(B) and 2(A) may contradict each other—allowing a snaking easement for existing lots without frontage and limiting easements for existing lots with frontage to the front 50 feet of a parcel. Murken stated that it appears that the number of houses taking access from an easement is proposed to be limited, but that the ordinance does not directly address the underlying issues related to the need to limit the use of access easements, and gave an example of fire trucks not being able to turn around.

### **LESA Work Program Item**

Moore stated that this is a work program item and there has been previous discussion with the Planning and Zoning Commission to find a way for the LESA information to be more accessible to the public. Ryan Schweitzer further stated that LESA is a tool used by staff to help identify a specific parcel's relative agriculture value and suitability for development, which is used alongside the C2C Plan and Story County Code of Ordinances to review and guide development and provided examples from two other counties using LESA. Schweitzer stated that the focus of the work program item is on the site assessment criteria. Six Iowa Counties use LESA. Two, Blackhawk and Linn, responded to staff's questions on their use of LESA. For public access and understanding of LESA, they provide FAQ sections on their website. They also use automated systems and more robust definitions for criteria. Schweitzer stated that to change any of Story County's LESA factors, a random sample of sites and their scores before and after the changes would be needed.

Steele asked if the other two counties use LESA as an evaluation tool or if it is used as an administrative tool. Schweitzer stated that Blackhawk County uses it to evaluate development applications and Story County uses it more for property research to determine if a parcel is buildable. Schweitzer stated that natural resources were given more weight by both Blackhawk and Linn Counties in determining the buildability of a parcel. Sherwood stated that he felt this would be a good way to utilize the watershed assessment. Sherwood asked how the system created in GIS was created and feels that it would be a very robust system. Schoeneman stated that a script could be used, but also model builder. Schoeneman stated that currently GIS is used for answering most all of the questions, and that it could be automated if some questions were updated to be more objective, but it would be a lengthy process. Moore agreed that the current process is somewhat time consuming. Steele asked if staff could run through the LESA process to give an example at a future meeting for a better understanding of LESA. Murken stated that she would like an idea of an overall goal for the discussion. Moore stated that with feedback from the commission the goal is to have a system available to the public and that so far staff is finding that there is a lot to making an automated system available. Smith asked if LESA is even well known to the public that this system is being used. Smith stated that he felt it would be more important to publicize the LESA system and educate the public as a first step. McBride stated that when systems are being structured with if then statements there are different tiers of information and exceptions that would be built it and would be a big job. Steele stated that he feels it is a good planning tool but is currently being used as an administrative tool. Steele gave an example in the A-1 district and someone trying to determine if they can build a dwelling on their parcel and that there is not an immediate answer. Steele stated that it was a good tool when it was first implemented and that he feels that automating the process would make a big difference to remove the human element. Murken stated that a presentation of LESA examples would be beneficial for the Commission. Sherwood stated that the objective is to protect prime farm ground. Moore stated that staff would be happy to go through the full process at a future

he wondered if wooded acres should be included as agricultural use. Cable also had comments about distance to fire and rescue services and if those should be used as factors. Smith asked if there is a high LESA score if that means it would not be buildable and Schoeneman stated that is correct it would not be buildable.

**Draft Home Business Ordinance Amendment**

Moore summarized the home businesses requirements and stated that home businesses are reviewed annually by staff. Moore stated that there are noncompliance situations observed during annual reviews, especially with the number of employees and outdoor storage. Moore stated that the business is supposed to be low key and if the requirements were met, the neighbors would probably not know that a business is being conducted. Cable asked if home businesses are not allowed in some areas. Moore stated that in residential districts a business would not be permitted to be run from an accessory structure. Moore stated that the proposal would be that during an annual review if violations are noted that the home business owner would be given time to comply or work through noncompliance items or transition to an area that would be zoned for the business. Cable asked if someone were not in compliance would they be able to stay in business. Moore stated that currently there is an enforcement process. Discussion took place about the Finco case from last month. Steele stated that he feels the wording should be different to allow businesses previously in compliance to grow and be in noncompliance if necessary for a certain amount of time. Moore stated that options were provided to Finco to comply, but that the applicant did not want to do. Moore stated he tries to work with people rather than send a violation. Mens asked if seed corn sales would be considered a home business. Schoeneman stated that typically that would be an agribusiness use and zoned A-2, which would permit the use if it did not meet the standards for a home business. Smith stated that the one-year transition period proposed in the amendment could be changed to say up to one year depending on the type of situation. Steele stated that he is for home businesses and he would like to see them smartly expanded and that he is hesitant about giving a home business owner one year to meet compliance requirements. Murken stated that dangerous situations could fall under public health nuisance requirements. Moore asked what the commission thought of the provisions themselves. Mens had concerns of service vehicles being required to be in an enclosed building.

---

**COMMENTS:**

**STAFF:** More updated items expected for the September agenda.

**COMMISSION:** Steele stated that discussion items are important. Moore stated that staff wants to involve the commission. Smith asked for the commissioner opinions about whether or not he should stay on the commission or if the commission would like to see new members and Smith decided that he would stay on when his term runs out.

**ADJOURNMENT:** 6:07



**Approval of Minutes**

*Chair* 9/4/18

**Title and Date**