



**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 17, 2020	Steve McGill, Chair	2022
	Randy Brekke, Vice Chair	2020
	Matthew Neubauer	2021
	Kelly Winfrey*	2024

CALL TO ORDER: 4:00 PM
PLACE: Public Meeting Room
Administration Building

*Absent (Due to HF 2512)

Special Note: Due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus, public access to the meeting was provided via conference call to listen and participate in the meeting.

PUBLIC PRESENT BY CONFERENCE CALL: Andrew Friend, Jeff Vaske, Chuck Fisher, Rob Bowers, Tom Hackett, Nick Lennie, Dina McKenna

STAFF PRESENT: Jerry Moore, Planning and Development Director (Phone); Amelia Schoeneman (Phone); Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Brekke, Neubauer (Board was present via conference call in response to COVID-19.)

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Motion by Neubauer, Second by Brekke to approve the April 15, 2020, minutes. (MCU)

APPROVAL OF FINDINGS OF FACT From April 15, 2020, Meeting

Motion by Brekke, Second by Neubauer (MCU)

Written Findings of Fact CUP02-90.6 Martin Marietta

Written Findings of Fact CUP02-20 Izaak Walton League

PUBLIC COMMENTS: None

HEARINGS:

CUP03-20, CUP04-20 And CUP05-20 To Construct Three Separate Communication Towers For The StoryComm Project

Amelia Schoeneman presented a summary of the Staff Report and stated that StoryComm is proposing to erect three communications lattice towers to provide two-way radio communications for Story County emergency services and public works agencies, including Story County, municipalities in Story County and Iowa State University. The proposed towers are as follows:

CUP03-20: A 255-foot lattice communications tower to be located in the southwestern portion of parcel 05-01-100-100 in Franklin Township. The parcel is located at the southeast corner of 550th Avenue and 160th Street. The communications tower will be 400 feet from the right-of-way of 550th Avenue and approximately 474 feet from the south property line or approximately 1,400 feet south of 160th.

The site and most surrounding parcels are in agricultural use. To the northwest is a dwelling over 2,000 feet from the tower site. To the west are two dwellings. One dwelling is located approximately 800 feet northwest of the tower site. The second dwelling is located approximately 600 feet southwest of the tower site.

The applicant indicated that they worked with southwestern's dwellings owner on the tower location and it has a substantial wind break providing screening—the applicant attempted to contact the northwest property owners but were unsuccessful. The northwest property owner provided a comment in opposition. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower's location on the site. However, the StoryComm working group discussed this and found it wasn't feasible as the site was selected to meet setback requirements and minimize impact to property owner's farming operation.

CUP04-20: A 285-foot lattice communications tower to be located in the southwestern portion of parcel 15-18-100-300 in Indian Creek Township. The parcel is located at the northeast corner of 620th Avenue and 305th Street. The communications tower will be 428 feet from the right-of-way of both 620th Avenue and 305th Street.

The site and most surrounding parcels are in agricultural use. There are three adjacent dwellings. One is 1,200 feet southwest from the proposed site location. One is 900 feet southeast from the tower location. To the west there is a dwelling approximately 700 feet away.

CUP05-20: A 265-foot lattice communications tower to be located in the southeastern portion of parcel 03-25-300-200 in Warren Township. The parcel is located on 150th Street. The communications tower will be 398 feet from the right-of-way of 150th Street and 133 feet from the east property line.

There are two adjacent dwellings. Other adjacent parcels are in agricultural use. To the north is a single-family dwelling is approximately 1,200 feet northwest from the proposed tower location. To the west is a parcel with a dwelling approximately 2,100 feet from the proposed tower site. The owner of the property to the north submitted a comment in opposition to the tower. StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

The Planning and Zoning Commission, at their June 16, 2020, meeting, found the proposed towers meet all standards of approval and supplemental standards required for a conditional use permit and recommended approval of the requests.

Brekke asked about the two closest residents and for clarification on the distance away from proposed tower.

Rob Browsers thanked staff for a thorough report and stated that he does not have anything to add unless there are questions.

Andrew Friend stated that he lives NW of the proposed 255-foot lattice communications tower location and feels disadvantaged in the process as the tower being moved for the other neighbor that it made the tower location worse for him. Friend stated that the house view will be looking directly at the tower. Friend stated that he would like to request another meeting between himself and StoryComm and Planning staff to find out if there is a better location for the proposed tower to discuss the inconvenience of the tower location to try to find balance so that both property owners can be satisfied.

Schoeneman stated regarding Friend's concern (CUP03-20), the farmer wanted the tower to be able to farm around the compound area and that there are two terraces that are being considered as well, which make it difficult to move north or south. StoryComm had concerns about moving the location east, which would impact the improvement and the timing of the project. Bowers spoke about the temporary system that is currently being used and will end at the end of June.

Tom Hackett stated that he had conversations with the land owner regarding north or south movement of the proposed tower on the property and they were reluctant. Movement to the east would pose challenges for StoryComm during construction and the long-run with a longer access drive, and more maintenance, water drainage issues. Hackett stated that all factors have been considered and decided the current location met the long term goals for StoryComm and the land owner's preferences.

Neubauer asked for clarification on what guidelines would need to be followed in order to place a condition on CUP03-20. Schoeneman stated the Board would need to amend staff's findings and relate the condition to one or more of the standards for approval. Neubauer asked if the Assessor had any comments about impact on property value. Schoeneman stated there were no comments about impact on property values, but that the Assessor comments that the towers would be exempt as long as there are no for-profit leasing to other providers taking place. McGill stated that if the tower meets all the requirements there is really not a way to not approve the request.

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP05-20, as submitted.

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

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP03-20, as submitted.

**Motion: Neubauer
Second: Brekke**

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

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP04-20, as submitted.

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

OTHER BUSINESS

House file 2512 Impact On Planning And Zoning Commissions And Board Of Adjustments

Jerry Moore stated that HF 2512 was signed by the Governor June 1, 2020, which unfortunately impacts Story County's and all County Planning and Zoning Commissions and Board of Adjustments in the state. Part of the law requires Planning and Zoning Commission and Board of Adjustment members to be eligible electors and reside within the area regulated by the County Zoning Ordinance, and it goes into effect immediately, however the law gives the Board of Supervisors one year to fill the appointment. Moore stated that this means that all Planning Zoning Commissioners and Board of Adjustment members who do not currently reside in the unincorporated area of Story County are not in compliance with this law and are no longer able to serve as Planning and Zoning Commissioners or Board of Adjustment members. This law impacts all 99 Counties. It is unfortunate we are losing good people at Story County and through-out the state who are dedicated to serving their counties.

Moore stated that the Planning and Zoning Commission was experiencing difficulty obtaining quorum so the Board of Supervisors took action on June 12, 2020, to appoint Wendie Schneider to the Planning and Zoning Commission because she had expressed interest in serving for that board if the need arose.

Moore stated that the notice for openings has been posted and normally there is a 90-day process to accept applications, but the BOS are looking at a shortened process to appoint new members.

BOARD/STAFF COMMENTS:

Staff: Moore stated that Iowa State University Extension will begin offering training in July for Planning and Zoning Commission and Board of Adjustment members. Staff and the County Attorney's office will also be providing information on the process that takes place about what staff does to communicate with the Attorney's office on items that are on the Planning and Zoning Commission and Board of Adjustment agendas and the input being received. Moore stated that the County will soon be implementing Zoom for meetings so it is likely that the July meeting will be via Zoom rather than conference call. McGill stated that finding additional members quickly will be beneficial. Brekke asked if the Planning and Zoning Commission

members were immediately gone from the board. Moore stated that the members who do not reside in an unincorporated area were no longer able to serve effective June 1, 2020.

Board: None

ADJOURNMENT: 5:03 PM


Approval of Minutes


Chairman 7/5-2020
Title and Date