

**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> June 26 <sup>th</sup> , 2024	Matthew Neubauer, Chair	2026
	*Andrew Friend	2027
<b>CALL TO ORDER:</b> 4:00 pm	Kelli Excell	2028
	*Nathan Hovick	2024
<b>PLACE:</b> Public Meeting Room In the Administration Building	Elara Jondle	2024
	*Absent	

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

**STAFF PRESENT:** Leanne Harter, Director; Marcus Amman, Senior Planner; Andrea Wagner, Senior Planner; Leslie Day, Recording Secretary.

**PUBLIC PRESENT:** In Person: Gina Perkins, Teresa Garman, Teresa Palensky, James W. Palensky, Brad Mehmen, Hayley Palensky, Spencer Campbell, Kathy Brommel, Dave Brommel, Brad Perkins, Doug McCay, Scott McClure, Laura Stebbins, Robyn Thielen, Eric Cowles (Bolton & Menk), Becky Christiansen, Liesel Danielson, Susan Souhrada, Cade Perkins, Cole Perkins, Bonnie May, Kenneth May, Shawna Middleton, John Moore, Ben Adams, Joby Brogden, Chad E. Schneider, Brian Torresi, Dan Runyon, Brandt Murry, Mike Stott. Via Zoom: Linda Murken, RMH Architects, Lisa Heddens, Logan Tucker, and Fred.

**APPROVAL OF AGENDA:**

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

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** All

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**APPROVAL OF MINUTES:**

**MOTION:** Jondle moved to approve the May 15<sup>th</sup> minutes.

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** All

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**PUBLIC COMMENTS:** None

**NEW BUSINESS:** None

**OTHER BUSINESS:** None

**PUBLIC HEARINGS:**

**Discussion and Consideration of CUP24-000011, Cedar Inn Dog Boarding—Marcus Amman**

Amman presented the Cedar Inn Dog Boarding Conditional Use Permit CUP24-000011.

Excell asked to clarify if it was a maximum of 6 parking spaces.

Amman said that was correct and added that Story County only has parking maximums.

Neubauer asked if applicant wanted to speak.

Applicant said he did not have anything to add to the presentation given by Amman.

**MOTION:** Excell moved to approve the Findings of Fact as presented.

**Motion:** Excell

**Second:** Jondle

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**MOTION:** Jondle moved to approve alternative 2 as presented: The Story County Board of Adjustment approves the Conditional Use Permit for the Cedar Inn Dog Boarding Use as put forth in case CUP24-000011 with the following conditions:

1. Licensing from the Iowa Department of Agriculture and Land Stewardship, United States Department of Agriculture, and/or Story County Animal Control will be obtained prior to operation.
2. No more than the licensed number of dogs may be boarded.
3. Proof of compliance with the first condition shall be provided to the Planning and Development Department prior to operation.
4. Dust control will be placed 200 feet north and south of the new proposed access twice a year each year by the applicant.

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**Discussion and Consideration of CUP24-000012, Sheriff's Shooting Range Building--  
Marcus Amman**

Amman presented the Sheriff's Shooting Range Building Conditional Use Permit CUP24-000012.

No comments from the applicant.

No public comments.

**MOTION:** Excell moved to approve the Findings of Fact as presented.

**Motion:** Excell

**Second:** Jondle

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**MOTION:** Jondle moved to approve alternative 2 as presented: The Story County Board of Adjustment approves the Conditional Use Permit Minor Modification for the Sheriff's Shooting Range Building as put forth in case CUP24-000012 with the following conditions:

1. The firing range shall not be used on holidays or between the hours of 10:00 p.m., and 8:00a.m.
2. The firing range shall not be used on the weekends between the hours of 5:00 p.m. and 10:00 a.m.
3. The firing range shall not be used more than four days per week, except that five days will be allowed during the months of April, May, September and October of each year.
4. A training log will be kept of the use of the facility.
5. Sniper training will be allowed outside of the fenced area with sniper safety measures being adopted during sniper training, particularly regarding monitoring of traffic along the access lane. The firing lane be kept free and clear of any equipment or debris when firing lane is in use.
6. A flag will be placed at the entrance where it is visible from the road to indicate that the facility is in use
7. Two or more people, at least one of which is a certified peace officer, will be present at any time the firing range is used.

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

#### **Discussion and Consideration of CUP24-000014, IVRM Replacement Building—Marcus Amman**

Amman presented the IVRM Replacement Building Conditional Use Permit CUP24-000014.

Neubauer asked a procedural question about why a CUP is needed for this building.

Amman clarified that according to the code all County structures need to get a CUP, including modifications.

No applicant comments.

No public comments.

**MOTION:** Jondle moved to approve the Findings of Fact as presented.

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**MOTION:** Excell moved to approve alternative 1 as presented: The Story County Board of Adjustment approves the Conditional Use Permit for the Story County Conservation IRVM Building as put forth in case CUP24-000014, as submitted.

**Motion:** Excell

**Second:** Jondle

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

### **Discussion and Consideration of Findings of Fact on CUP08-17 Raspberry Hill Resort Campground—Leanne Harter**

Excell made the following statement: While this is not a conflict of interest, I want everyone in the room to know that Mr. Torresi is my attorney.

Harter presented the Raspberry Hill Commercial Campground and Travel Trailer Park Conditional Use Permit CUP0817.

Excell asked if the Traffic Impact Analysis shows that the traffic is impacted in a significant manner what would be the next steps.

Harter responded that the County Engineer would identify the types of improvements that would needed to be done in the roadway. There have been conversations with County Engineer

Darren Moon and so far, there are no concerns, however, if there are improvements needed like signage that would be determined by the County Engineer.

Excell asked if those improvements would be taken care of by the County.

Harter responded that the County would and possibly with the applicant if the changes are needed because of this application.

Excell asked if the Agricultural District is the only zoning that would permit this use.

Harter said she would get back to the Board with that answer.

#### **APPLICANT COMMENTS:**

Brad Perkins, 5500 240<sup>th</sup> St. Applicant, lives at the property, gave a presentation on the Raspberry Hill Commercial Campground.

Jondle asked applicant to clarify if he had said that the campground would only be used with the wedding venue.

Applicant clarified that what he meant was that the campground would not be used when the event venue is booked, so no one that is not part of the wedding/event would be able to stay at the campground or cabins.

Jondle asked if the campground would not be used when there are no events booked.

Perkins responded if no one is renting the entire property, he is hoping to be able to rent the cabins for Monday through Friday stays, or January through April, when weddings are not popular.

Excell asked if there would always be staff on site.

Perkins responded there would always be staff on site.

Excell asked about the distances on Perkins presentation from the cabins to the closest house, adding that the distance presented was not from the cabin closest to the house.

Perkins responded the presentation had the distance to the cabin in the middle.

Excell asked what the distance to the closest cabin would be.

Perkins responded he did not have a distance but his best guess would be 300 ft.

#### **PUBLIC COMMENTS:**

Cole Perkins, 509 Marshall St. Boone, oldest son of Brad and Gina Perkins, the applicants, spoke in support of CUP 08-17. Cole Perkins explained how he had to quit the dream of working with his family and start his own business because he could not wait any longer for the campground project to become a reality.

Brian Torresi with Denton-Davis Law Firm, spoke against CUP 08-17. He asked if Board Members had received a letter from Greg Ervanian sent June 20, 2024.

Planning and Development staff confirmed.

Torresi continued to clarify the statement that Excell made prior to the CUP presentation and said that because of confidentiality none of his clients know who his other clients are. So Palenskys did not know about Excell being his client, and Excell did not know about Palenskys.

Excell added nor have they spoken about this case.

Torresi confirmed that they had not spoken about this CUP.

Torresi stated that the Palenskys had a right to appeal. He explained that in 2018 the staff report said not to allow the CUP because it was not compatible, and the Board of Adjustment members at the time decided against that recommendation. He explained that it was not compatible in 2018 and nothing has changed since then except now the Perkins have more CUPs and activities on the property. Torresi added that the traffic study should be conducted, and added that it is not possible to make a Finding of Fact about congestion without data. He brought up that Perkins stated he did not know how to enforce the conditions so the CUP needs to be denied if he is not able to enforce the conditions.

Gina Perkins, 5500 240<sup>th</sup> St. Applicant, spoke in favor of CUP 08-17. She clarified she did have other permits on site, one of them being the human services CUP for Cultivating Hope Farms. She stated her daughter Caitlin was diagnosed with autism in 2018 and explained the progress she has made thanks to Cultivating Hope Farms and how it is also helping other neurodiversity families.

Teresa Scheib-Palensky, neighbor directly to the west, spoke against CUP 08-17. She explained her property shares approximately a half mile border with the subject property, and the applicant currently has three active CUPs on this property. She spoke about noise that is already impacting them, as well as congestion, and explained her concerns regarding the safety, security and quality of life if the campground is added. Scheib-Palensky spoke of a new driveway that has been constructed directly across from the subject property since CUP 08-17 was first considered in March 2018, and added that there are seven driveways or turnouts within one tenth of a mile of the driveway of the subject property. Scheib-Palensky explained the congestion and that the addition of trailers and camper vehicles would not be compatible. Scheib-Palensky talked about Ames traffic during ISU football games and her concerns with all the added vehicles that would be coming to the property. She also explained her concerns with cars that park on 240<sup>th</sup> St. to go fishing and cars that speed on that road. She also spoke on compatibility, how a commercial RV trailer park does not serve agricultural purposes and her concerns of noise with the added people on the property. She also voiced safety concerns when cars turn in to their driveway and then turn around because they have the wrong driveway. She also talked about all the different buildings and areas that have been added since 2018 and how removal of trees and added fence on the property line has changed wildlife in a negative way. She voiced her concerns about additional tree removal to make space for the additional cabins, RV pads, parking, roads, fire pits, picnic tables, utility boxes and septic systems; her concerns for additional fire risks; and all the barriers that would be removed by removing trees. Scheib-Palensky spoke about the increased garbage on the road since the event venue was added and

her concerns of additional increase if the campground is added. She stated the risks for accidents of traffic, fire and medical nature and how the City of Ames public services are not first responders, for fire, police or medical for this property, commenting that the Sheriff Department for this property is located in the city of Nevada, which is 15 minutes away from the property. For all these reasons she requested the Board of Adjustment to deny CUP 08-17.

Dan Runyon, 420 Ash Ave. Ames, IA, spoke in support of CUP 08-17. He explained his family would love to see more campgrounds in the area, especially in connection to an event venue where friends and family can stay together and spend extra time gathered after an event such as a wedding or graduation celebration. He stated he hopes the Board considers approval, especially since it was originally approved in 2018.

Kenneth May, 610 8<sup>th</sup> Ave. Slater, IA, spoke against CUP 08-17 and stated the Board of Adjustment needed to see the Conditional Use Permit as a whole, and explained that his biggest concern is the emergency response to this property. He added that County staff was not aware that there was no first responder coverage for that part of the county. He explained that first responders in his town, ten miles away, are tasked with going there. So, emergencies in that property, which are going to increase with the extra usage, takes the first responders out of his community. He asked the applicant how they would fight a fire with a 2-inch line going there.

Neubauer asked May to direct his comments to the Board of Adjustment members.

May acknowledged and continued by talking about the numerous conditional use permits that are being allowed on leased property that is affecting property owners that are immediately next door. He asked the Board members to take into consideration the safety of the users of that property.

Cade Perkins, 509 Marshall St. Boone, IA, second oldest child of the Perkins, spoke in support of CUP 08-17. He explained how the delay of the approval of this conditional use permit has affected his family.

Brandt Murry, Fire Chief of Westory Fire Agency in Kelley, IA, explained that it is true that Kelley does not have EMS services, however, in the state of Iowa, EMS is not an essential service, ambulance is, however, and an ambulance would beat EMS to the site. He added that all fire departments work together. Murry stated that Mr. Perkins had donated the funds to buy a strainer so firefighters can take water off of his pond in the case they needed to use it. This fire agency has also performed controlled burns, to burn off what is dead to prevent fires at this property.

Ben Adams, 1131 Sunset Ave. Kelley, IA, Assistant Chief in the Kelley Fire Department, spoke in support of CUP 08-17 and explained that unlike the Perkins property, Finco does not have a pond. When there was a fire there they had to call to the entire county for water and man-power and they showed up and were able to save buildings. He also gave other examples and how Mary Greeley is always the first to show up for emergencies. Adams also spoke about tax revenue possibly increasing with the additional business, and with that, the fire department budget could go up too. He also spoke about the noise complaints and explained he is very familiar with that area and did not think it would be an issue.

Scott McClure, 1354 270<sup>th</sup> St. Boone, IA, veterinarian in Boone, spoke in support of CUP 08-17. McClure asked to consider the facts that, this conditional use permit has previously been approved and the property area has changed dramatically since then. He commented that with Ames expansion have come all the issues previously mentioned of noise, garbage is due to that, not this property. McClure asked the Board members if they had been to this property.

Neubauer responded he had not been to that property.

McClure stated he would not want them to delay their decision-making at this point to go look, but he stated he had been there numerous times, and it is very well kept, and traffic is also not an issue.

Teresa Garman, 3019 Evergreen Cr. Ames, IA, spoke in support of CUP 08-17. She stated she has been a Story County resident since 1965, and she sees the need for a campground.

Mike Stott, 644 Garnet Dr. Ames, IA, spoke in support of CUP 08-17. He explained traffic metrics according to rough numbers he calculated.

Hayley Palensky, 5600 240<sup>th</sup> St. Ames, IA, stated she lives next door from the subject property. She spoke against CUP 08-17. She stated the road is narrow and gravel and the giant semi-trucks are adding to the road damage so she is concerned the added people will add more damage. She talked about the traffic increase through the years. Palensky also expressed her concerns for the safety of runners and bikers on that road if RVs drive there. Also concerns about more strangers in the property, increased noise, fire risks, safety concerns from potential impaired drivers due to the campground being advertised towards tailgaters. She explained she has been bothered by the noise coming from that property when she is trying to enjoy nature on her deck. Palensky explained the Perkins are not her neighbors, they just lease the land next door, but the Palenskys have a property that they have spent money and time keeping up.

Neubauer called a 5-minute break.

After the break Neubauer called the meeting back to order.

Doug McCay, 3016 Burnham Dr. Ames, IA, spoke in favor of CUP 08-17. McCay commented about the traffic, and he explained that the new driveway added on his property across the street from the subject property that Mrs. Scheib-Palensky mentioned earlier, was added to take care of the trucks that are taking the dirt over to CyTown. After that project is done the farmer who is farming his land will use it to go in and out of the field but he may only use it half a dozen times a year, not causing increase in traffic, McCay also addressed the comment Mrs. Scheib-Palensky made about cars parked along 240<sup>th</sup> St. to go fishing. He has suggested to those who ask him to fish on his property to not park on the street, but explained he has no control over what they do. He stated not many people ask him permission, many just think that because of the location, it is public property, but he has "No Trespassing" signs that people ignore. McCay also addressed Mrs. Scheib-Palensky's comment about garbage. He explained that this has been an ongoing issue during about the 50 years that he has owned land there, and it seems to get worse when Iowa State University students get out of session. He gave an example of someone dumping garbage on his property, and mentioned none of that has anything to do with the Bed and Breakfast or campground. McCay explained that before Perkins he tried to sell the property to YSS in Ames and it was brought to Planning and Zoning Commission and Board of Adjustment and Palenskys did not want them there and said YSS would need to put up a fence. He added that YSS was approved but the Palenskys took the County to court, and YSS did not

want to deal with that and ultimately dropped out. Later, when Perkins came along and started Cultivating Hope Farms, McCay decided to put his half of the fence in. He explained he put over half way down and asked the Palenskys to pay for their part but they have neglected to put their half up.

Jim Palensky, 5600 240<sup>th</sup> St. Ames, IA, spoke against CUP 08-17. He stated his family does not have secret motives to oppose this conditional use permit, as alleged by the applicant. He explained his family did not oppose the Bed and Breakfast and Event space and Cultivating Hope Farms. He added his family had Airbnb rentals for six weeks and ended before Raspberry Hill opened. Mr. Palensky stated his family has lived next door to the subject property for about 20 years and are now retired. He talked about all the conditional use permits active on the property. He stated the applicant originally approached them with the idea of placing 5-6 cabins and 10 RV trailer sites that were to be located in the south eastern side of the property. However, a few weeks later when the applicant submitted the application, the number of cabins had increased to 20 cabins and moved to a point from as far as possible to their residence to a point as close as possible, which measures approximately 300-350 feet. He stated that approving this conditional use permit is like dropping an atomic bomb on their home. Palensky expressed safety, security, and quality of life concerns, as well as the financial future of their family and family home and would do the same for other nearby residents. He explained that like an atomic bomb it would bring devastating immediate and long-term consequences to anyone nearby, affecting environment and wildlife in the area. Mr. Palensky stated that all the statements made about congestion and compatibility on the original March 1, 2018 Planning and Development staff report remain true, especially with all the uses added. He stated that if this conditional use permit is denied, the applicant would still retain extensive beneficial business use of this property with the existing permits. Palensky stated the Staff Report presented this time is completely different than the 2018 report and does not address the issues that were addressed then. Palensky asked the Board of Adjustment members to deny the CUP.

John Moore, 5318 240<sup>th</sup> St. Ames, IA, adjoining property north east of the subject property, spoke in support of CUP 08-17. He stated he did not believe congestion would be affected by the added conditional use permit. He explained traffic is currently with the CyTown project going on and stated he had talked to the County Engineer about the condition of the road and stated that if the road can handle the trucks for the CyTown project, it should not be affected by RVs. Moore explained that adding the Campground would instead help with congestion because instead of everyone leaving an event at the same time, some would stay on site. Moore added that as far as compatibility, his back deck faces the subject property and has never been an issue as far as noise. He also explained he has talked to the Westory firefighters and did not have any concerns about them being able to handle fires on the property.

Liesel Danielson, 2981 S. Dakota Ave. Ames, IA, on the East side of the property, stated she has lived there her entire life. She spoke in support of CUP 08-17. Danielson said that through the years they have seen the Perkins family protect the environment and shared the nature with others.

Becky Christiansen, 2985 S. Dakota Ave. Ames, IA, neighbor to the East border, stated they had lived there for over 42 years, further commenting that many of the neighbors have lived there for generations and are a close group, who have fought together against attempts from the City of Ames to annex their land and bring higher density development. She expressed it makes more sense to bring a rural campground on a large wooded acreage to preserve a rural setting, instead of introducing medium to high density housing to their area. Christiansen spoke

about the animals and stated that they live near active farm so if cows get out everyone helps, because that is what you do when you live in the country, help each other. She stated that over the years, the McCays and her family have planted thousands of trees on their properties to create wooded land and privacy, and it has made a big difference in how sounds are carried. Depending on weather and wind conditions there are occasional weekend evenings when they hear music coming from the event venue but it's not obnoxious and the events finish at a reasonable time. She listed all the different noises you can hear from their property and said that a private secluded rural campground in a controlled setting will most likely be a lot quieter than city neighborhoods, and she has no doubt that the Perkins will respond to any campground issues that may come up. She added that in regards to traffic on the gravel road, the huge trucks hauling dirt to the Iowa State University center have created an unfortunate and undesirable mess for anyone having to deal with it for the last two spring, summer, and fall seasons, and residents have no control over that, and it will not go on forever. She added that when those trucks are not on the road, they have not noticed any increase of traffic on the gravel road.

Rob Thelen, West Des Moines, IA, spoke in support of CUP 08-17. Thelen is an Iowa State University graduate, and his daughter is also a recent ISU graduate, so they go to Ames on a regular basis. He stated he thinks that having an additional place to be able to come with cabins and RV options would be very beneficial to the community. Thelen said the RVs are nothing compared to the construction trucks that go through those roads. He addressed compatibility saying that a small 20 cabin area, for the people attending events on site or others seems more compatible with the area, especially since the neighbors have already used their house as an Airbnb. He mentioned a survey that was done in 2015, that concluded that the main need was a campground, cabins, and RV parks near Ames, so Story County residents would be happy to have this option.

Teresa Scheib-Palensky, said she wanted to make a few clarifications. She explained that the construction trucks are not temporary, they are there every season, as well as other large farm equipment, Iowa State University utility vehicles and others, but the danger is having an RV that is thirty-three feet long pulling a car behind it, which is more than ten thousand pounds, and if a big truck is driving on the north side and the RV is on the south side and a collision occurs. She said the concern is the volume and the number of trucks, and added the road is not in great condition, and hazardous to those who have never driven on a gravel road. Scheib-Palensky also addressed the fence issue and stated they are aware they are responsible to pay their half of the fence, but they are not obligated to put a fence and the fence, was an idea of Doug McCay.

Brad Perkins, gave a closing statement. Unlike other projects, this permit has taken so long that they have been able to take input from the County, neighbors, City of Ames, and County Engineering about potential impacts on the road, while their neighbor rented their home as an Airbnb without input from anyone. After six years he would like the Board members to approve it so they can finish their family business.

## **BOARD COMMENTS**

Jondle asked Planning and Development Staff if the 12 month timeline on the conditions was just for the screening.

Harter clarified that was correct, and read Condition number six:

"The applicant shall submit a landscape plan meeting the screening requirements with three (3) months of approval of the conditional use permit and that the installation of all associated improvements as shown on that plan be completed within 12 months from the date of approval of the conditional use permit."

Neubauer asked staff to elaborate on the regulations about traffic.

Harter explained that the way it is worded in the Code of Ordinances, says that staff, meaning the County Engineer, can request that a traffic impact analysis is done.

Amman read from the Code of Ordinances 88.13. 2 (A) "The Story County Engineer may require a Traffic Impact Analysis when less than 100 new vehicle trips per day will be generated...". He added that the County Engineer can require it, if deemed necessary.

Jondle stated that, having a traffic background, she wanted to clarify that the amount mentioned is not over the whole year, or week, if there is a day that there are more than 100 vehicles, they can request a traffic impact analysis, which is also common in other cities.

Excell asked to clarify if they could change the conditions.

Harter responded they could, and clarify those are just conditions that the Planning and Development staff recommends.

Excell proposed to deliberate on the two issues of compatibility and road congestion so it could go into the minutes appropriately.

Neubauer and Jondle agreed.

#### ROAD CONGESTION

Jondle stated she understood what some members of the public were saying that there is going to be an increase in traffic or there might already be an increase, but currently they are only experiencing sixty trips per day, not sure about the exact number. If that number doubles, triples, or even quadruples, the road should be able to handle that. For an urban roadway, it is approximately a thousand vehicles per day, that is for a paved road, a gravel road would be different. Jondle explained a previous experience with a development by a gravel road. She mentioned there have been public comments about the condition of the road, but those could be addressed on a traffic study. She explained what subjects a traffic study would include and stated she thinks the Board should at least discuss including this as it would address all the issues previously mentioned.

Excell asked Jondle if the Board should require the traffic study to be paid by the applicant.

Jondle responded she thought that would be reasonable.

Excell asked if Iowa State University (ISU) should be paying for it.

Neubauer responded they may not have that jurisdiction.

Excell agreed but stated it might be unfair to put all the ISU use on the applicant.

Jondle explained that the evaluation of the roadway is getting the number of trips on that road, and they would be able to determine how many of those are from ISU, and there should be a discussion between ISU and who would be doing the study.

Excell asked what is the expense of the traffic analysis.

Jondle explained that it depends of what level of study is done, but it could be approximately ten to twenty thousand.

Harter asked if that would be just for the traffic impact analysis.

Jondle confirmed and stated that it depended on what study would be and what would be required to be included.

Excell stated this road is used by many residents, ISU and others and to have the applicant pay for it solely seems an undue burden.

Jondle responded that, from experience, sometimes the applicant could work with the City or jurisdiction and come to an agreement to split the cost. She added that the County Engineer would be able to dictate what they require.

Excell stated that after reading all the paperwork on this case, one word that comes to mind is congestion, and based on what has been discussed the word congestion applies to this case. She asked for the opinion of the other Board members on this subject.

Neubauer agreed and stated that he agrees with the public comment made earlier that when there is an event and there is a place for people to stay on site overnight, the traffic at the close of that event is lower. He added that there would be a net increase of some kind in traffic, but particularly at the times when it would be more dangerous, there may be a decrease in traffic, shifting that traffic to the daytime, rather than nighttime.

Excell agreed.

Jondle also agreed and added that she acknowledges there are several conditional use permits on the property but they happen at different times of the day and that is another thing to look at on traffic. She explained what times of days or days of the week are likely that each CUP would be in use.

Excell expressed that other public comment she agreed with was that if so many heavy trucks are going through that road already she does not see how an RV would be any different.

#### COMPATIBILITY

Jondle commented on the compatibility side, from a wedding/event perspective, she does not commonly think of the idea of coming to a wedding bringing an RV. She added she could see maybe bringing an RV to something else, that is not wedding or event oriented, but she could see the cabins used for that purpose. She explained that she is not too familiar with campers but in her opinion, they are more long-term use.

Excell explained she is familiar with RVs because of her in-laws, and from her experience people that camp are generally respectful and a nature-appreciative group, but she wants to be sensitive to the fact that tailgating is completely different. However, from what has been shared during public comments at the meeting, her personal opinion is that the Perkins family is respectful of the grounds and responsible of what they do, but she acknowledges it could be a concern during football season.

Jondle agreed and stated that she attends football games and hears there are no RV spots.

Neubauer stated he does not have a concern about the RVs and asked if there are other conditions for the Board members to discuss.

Excell responded the condition that requires that there is an Evacuation Plan. She stated she did not think they can require someone to use one part of the road and no other.

Jondle stated that maybe it could be just a flooding plan.

Excell said there is enough warning on that, it is not a concern, and she is not opposed to RVs. In other compatibility issues, this CUP is keeping with the general desire to have a love of nature, to share resources, and being respectful of the grounds. She stated she believes it is in keeping with the intent of the land and compatible with the A-1 area. Excell continued to explain that the difference with the 2018 decision is the Ames Urban Fringe Plan, which does not affect their decision now.

Neubauer expressed he was interpreting the same thing, and asked if Jondle agreed.

Jondle said, in general, she does but she has some concern with the proximity of the cabins to the nearest residence, but was not sure if that is part of what could be discussed.

Excell stated that the cabins are closest to the nearest home than the RVs, so that feels better. She added that she likes all the trees that are there, and knows that the trees don't provide a buffer in the winter, but added the members of the Board all live in the County and have the same concerns, and all have dealt with the same issues in their own properties, but that is the nature of Iowa.

#### DISCUSSION ABOUT CONDITIONS

Jondle read the first condition:

"All lights to be dark sky friendly, using long-wavelength lighting with a color temperature of less than 3000 Kelvins, fully shielded and directed downward."

Excell expressed she did not think that condition is unreasonable, and it is part of the plan the applicant has anyway, but from experience she does not like condition two with the motion sensors because they get easily activated by wildlife in rural areas.

Neubauer asked staff to explain the motion sensor requirement.

Harter explained that the first four standards were taken from some guidance from the National Park Service for how dark sky regulations can be applied to campgrounds. Harter added she

could agree with the statement about motion sensors Excell made, but there are lighting control devices that automatically shut off after a certain time.

Excell retracted her statement.

Jondle stated she likes the idea of some sort of light to walk to the cabins.  
Neubauer asked if condition two applies to condition three, so walkways would turn on and off.

Harter responded number two applies to all types of lighting, so yes.

Excell asked if they could request a lighting design, and propose to keep condition five and eliminate one through four.

Neubauer proposed modifying condition five to say "The applicant should submit a lighting plan that reasonably complies with dark sky guidelines".

Jondle and Excell agreed with the change.

Jondle asked if it should say "...reasonably to be dark sky friendly".

Excell corrected "to conform to dark sky friendly requirements, as published by the National Parks Service".

Excell asked staff to clarify whether with condition six, only the landscape plan has to be submitted within twelve months, and if the applicant feels that is doable.

Neubauer added that if the property already has sufficient screening, that would be in a plan, or they would be required to plant more trees.

Excell stated that as she read from all the presentation materials even if they have sufficient screening, there are certain things that are required.

Harter read from the Code of Ordinances, the supplemental standard on 90.08 subsection 1 (D) "Screening: Rear and/or side yards shall be screened from adjacent property by a planting screen not less than 10 feet in width and six feet in height or by a fence, wall, berm or other comparable means." So, submitting a landscape plan that demonstrates how this requirement is met, or already been met. If it is not met, that plan would need to demonstrate the types of improvements needed to meet that requirement.

Neubauer and Excell expressed they agreed with that.

Neubauer added if it could be worded so it is not necessarily twelve months from the meeting date, or July but twelve months from implementation.

Jondle stated her concern with that is if there are additional landscaping requirements, those should be established before, or tied with the installation of the cabins.

Harter stated staff added that based on standard of operating procedures, but that timeline will not start until the Conditional Use Permit may be issued, and clarified if the decision the Board members made at the meeting is appealed, the timeline does not start until the permit is issued.

Excell asked to clarify if it was issued and then it is appealed if that would stop the timeline.

Harter explained the Conditional Use Permit will not be issued, until the thirty days to appeal period is over, and added that if legal action continues, the County cannot take any action on the permit.

Neubauer stated the Board members have no issues with condition seven and asked if they found condition eight acceptable.

Jondle said she agreed with condition eight.

Excell agreed, but asked if the applicant expense part could be re-worded to allow some flexibility.

Jondle added that the Bed & Breakfast and Event part is what is going to create the most amount of traffic, and that is already there, the cabins and RVs should not bring many more trips than what is already happening.

Excell asked Jondle if she thought no traffic analysis was needed with this CUP.

Jondle clarified she does think a traffic analysis is needed.

Excell asked even if not in connection to the CUP.

Jondle said the increase in traffic is based on the development of this property.

Excell insisted that then it should not be tied to the CUP.

Neubauer asked then where would the traffic analysis go, if not in connection with the CUP.

Excell said she agreed and agreed that a traffic study should be done, but not in connection with this CUP.

Neubauer stated that if the Board is going to require traffic analysis, the only way to go is to add it as a condition.

Jondle asked if they should add "At the expense of the applicant or as agreed with the County"

Harter added a potential revision that staff would suggest is "If the Story County Engineer requires a traffic impact analysis prepared by an Iowa Licensed Professional Engineer with expertise on traffic impact studies, that analysis must be completed within six months of approval of the Conditional Use Permit"

Excell asked if it would be six instead of three.

Harter confirmed she had proposed six months and said the last sentence on that condition would be taken out, so if Darren Moon says a traffic impact analysis is needed, it would have to be done. If he says it is not needed, no studies would be done.

Neubauer asked if the suggestion was to change the timeline of the study to be done within six months to allow the County Engineer to determine if a traffic study is needed.

Harter confirmed that was the suggestion.

Excell asked if the traffic study would have to be at the expense of the applicant if the County Engineer requires it.

Harter responded it would have to be at the expense of the applicant. She added the sentence "The analysis will be forwarded to the County Engineer for review and determination..." would need to be taken out.

Excell, Neubauer and Jondle agreed with the revision suggested by Harter.

Neubauer said he did not think condition nine was an issue.

Excell and Jondle agreed.

Neubauer suggested starting discussion on condition ten.

Excell expressed she did not have an issue with the Evacuation Plan idea, and added that if there is floodplain on part of the property, the evacuation plan should be in place for the entire venue, not just the RVs.

Jondle asked Excell if she was in favor of the RVs.

Excell explained she was not against them. She added that her only concern was addressed when she asked if there would always be staff on site.

Jondle asked to clarify if there would always be staff on site or every time during an event.

Excell responded if there is someone camping there has to be staff on site. Excell said a statement could be added saying "anytime any portion of the grounds are being used by an outside party or rented, there would have to be someone on site."

Jondle asked Neubauer what he thought about the RVs.

Neubauer responded he understands the statement made about tailgating and that it could be problematic, but did not know if ten RVs would constitute a big issue.

Excell added that this site is far enough away from the university, that it would not be an ideal place for the younger population that would typically be problematic.

Neubauer asked if a condition could be made addressing that and maybe time limit on stays.

Excell said the requirement is for guests to stay no more than 30 days, and asked if that would apply to both RVs and use of the cabins.

Jondle stated that was her understanding.

Excell asked staff if the intention of the County with that requirement was to avoid rentals.

Harter confirmed that statement.

Jondle added that under the compatibility section there was a statement about quiet hours being established and noise levels.

Harter stated there was an error on the staff report on page six, second paragraph, where it says "recommended conditions of approval" and that should have been taken out. Story County does not have a noise ordinance, so staff changed that, so those were not recommended conditions of approval. That is why those are not listed under recommended conditions of approval. Instead, that paragraph should say "staff would propose guidelines to the Conditional Use Permit as outlined below". So, then the applicant, would have those as guidelines for their campers and cabins regarding noise.

Jondle asked to clarify if those were not conditions of approval.

Harter confirmed she was correct, those were not part of the conditions.

Excell asked if Story County has a noise ordinance.

Harter said Story County does not have a noise ordinance.

Excell asked if the Board of Adjustment would need to create a noise ordinance for this one particular property.

Harter responded no.

Neubauer asked if the Board could require that the applicant comply with the guidelines on the report.

Harter explained that the issue is that in the absence of a noise ordinance, there is no strong enforcement mechanism. That is why staff changed that to say those are proposed guidelines.

Neubauer clarified those were just suggestions for the applicant and customers.

Jondle stated if the Board members could not require them, if they could add them as recommendations the applicant could follow.

Excell asked if they could add "standard City of Ames noise ordinance although not required, due to location in the County, are being required."

Harter brought up there has been conditions of quiet hours for event venues, so maybe that could be an option.

Amman explained that those conditions stated that events at an event venue would have to end at 10:00 pm.

Harter said that to answer the question Excell had about adding that statement about the City of Ames, it could not be done, because the regulations of the County are adopted by the Board of Supervisors.

Excell stated that in the interest of the neighbors there should be something tangible, even during the day with general noise, there should be a noise ordinance.

Amman said Excell is talking about a noise ordinance and that is not what is being discussed in that meeting. He explained that even residents who do not have an event venue could be making as much noise as they wanted because Story County does not have a noise ordinance. He gave examples such as personal shooting ranges.

Excell proposed to instead have a requirement that staff is on site anytime there is anyone using any part of the facility.

Neubauer asked Jondle if that was agreeable.

Excell added that if she did not have the camping experiences over the years with her extended family, and her only exposure to RVs was ISU games, she would be very concerned. But explained no matter what park they went to across the country, the group of people that camp was generally excessively polite to one another.

Neubauer proposed to include the RVs, require a staff member to be on site and retain the emergency management plan. He added that there was a later proposal that if RVs are allowed, to say they would need to come down a certain road.

Excell stated that maybe the Board could ask or require that on the advertisement or when someone requests a stay, the applicant could acknowledge what the preferred route is. The Board members could not require it, however, because everyone has the same rights to use the road.

Neubauer agreed.

Harter summarized the changes discussed by the Board until that point.

Neubauer proposed that the RV condition state develop an evacuation plan and have staff on site.

Excell added that more specifically, staff needs to be on site anytime anyone, beyond family and employees, is using the facilities.

Neubauer asked if there was anything else to add.

Excell said to advertise or strongly encourage a preferred route.

Jondle stated she did not think the Board members could require that.

Neubauer said maybe the advertisement statement could be added to the proposed guidelines.

Excell and Jondle agreed.

Excell asked if some of the lighting statements would be removed.

Neubauer said he thought that had been already fixed.

Harter read the change: "The underlying objective is to ensure that existing conditions continue and additional noise impacts are not present. In order to accomplish such, staff would propose guidelines for the applicant to apply to the conditional use permit as outlined below."

Excell explained she was talking about what came after that in reference to lighting.

Harter confirmed those would be taken out. She added that the advertising statement they were proposing could go under the guidelines she had just read.

Neubauer asked if there were other Findings of Fact that needed to be amended.

Excell responded the changes that Board members already made puts in place things that are respectful to the needs of both parties.

Harter suggested to add on page ten of the staff memo, the statement "It is recommended that the applicant communicate preferred routes for RV traffic to go along 500<sup>th</sup> Ave."

Excell proposed to change the wording of that statement from "traffic" to "travel".

Harter suggested to also add a statement that says: "A condition of approval is proposed to require that a staff person to be on site whenever facilities are in use".

Excell, Neubauer, and Jondle stated they agreed with adding those statements.

**MOTION:** Jondle moved to approve the Findings of Fact of CUP08-17 as discussed and revised.

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**MOTION:** Excell moved to approve CUP08-17 with conditions as revised and discussed on June 26, 2024.

**Motion:** Excell

**Second:** Jondle

**Voting Aye:** Jondle, Excell, Neubauer.

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

#### **ADDITIONAL ITEM(S)**

None

#### **BOARD COMMENTS**

None

#### **STAFF COMMENTS**

Amman said there would be a July meeting, and there could be one to four items to discuss.

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

**Motion:** Jondle

**Second:** Excell

**Voting Aye:** All

**Voting Nay:** None

**Not Voting:** None

**Absent:** Friend, Hovick.

**Motion passed. MCU.**

**ADJOURNMENT: 8:06 PM**

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

**Approval of Minutes**

Vice Chair 07/17/2024

**Title and Date**

