

**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: October 20, 2021	Steve McGill, Chair	2022
	Matthew Neubauer, Vice Chair	2021
	*Kelli Excell (Zoom)	2023
	Nathan Hovick	2024
	Elara Jondle (Zoom)	2024
	*Absent	

CALL TO ORDER: 4:00 PM

PLACE: Story County Administration Building

PUBLIC PRESENT: Timothy Leeds, Marigrace Sievers, Bruce & Brenda Moody, Mat Kahler, Brian Lohse, Mindy Bryngelson, K Edleman, M Edleman, David & Barbara Kalsem, Matthew & Kim Clinton, Camie Stockhausen, Steve & Rhonda Claussen, Linda Murken, Rich Corcoran, Brad Rodenburg, Dane Zuercher, Tim Day, Andrew Allen, Mardi & Roger Griffith, Amy Doyle, Rob Keeling, Paul Fitzgerald, Belinda Meis, Jason Rechkemmer, Marissa Eyanson, Mike Phillips, Chris Colvin, Russell Wood, Tim Wilson, Sonya Colvin

STAFF PRESENT: Amelia Schoeneman, Planning and Development Director; Marcus Amman, Planner; Andrea Wagner, Planner; Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Hovick, Neubauer, Jondle

ABSENT: Excell

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

August 18, 2021

APPROVAL OF FINDINGS OF FACT FROM PREVIOUS MEETING

Motion by Neubauer, Second by Jondle to approve Findings of Fact for CUP21-000007 Foundations Learning Center MCU

PUBLIC COMMENTS:

None

HEARINGS:

CUP21-000009 YSS Youth Recovery Campus

Amelia Schoeneman and Marcus Amman presented the Staff Report together. Amman stated that the request is for a conditional use permit to operate a youth recovery campus that can accommodate up to 70 adolescents at 32385 580th Avenue, to the south and west of Cambridge. The Planning and Zoning Commission recommend that the Story County Board of Adjustment approve the conditional use permit with conditions at their October 6, 2021 meeting with a 7-0 vote. The facility (building) will be approximately one-acre in size. It will be located on three parcels, totaling 52.08 gross-acres. The buildings will be located to disturb as few natural resources as possible on the southeast side of the creek that runs through the property.

Schoeneman provided information on what a youth recovery campus entails. As previously stated there will be 70 beds and will include services for emergency shelter, crisis stabilization, and residential treatment. Clients are adolescents that need treatment for a substance use disorder, mental health care, or shelter due to issues at home until can be placed somewhere safe. Clients will stay in pods by age/program/gender, with 8 clients per pod. There is also a main building which will contain the cafeteria and other space. The facility is not locked, nor is it a detention center. Criminogenic tendencies and sex offenses would be reasons that a client is not admitted to the facility. At the Planning and Zoning Commission meeting questions were raised regarding the percentage of court ordered admissions. YSS provided information that over the past three years 20% of admissions were court ordered. Crisis stabilization were 0% court ordered.

Amman presented the site plan which showed the pods, cafeteria/gym and welcome center. Schoeneman stated that the site plan meets general site plan standards.

Amman stated that on August 11, 2021 a public information meeting was held, with approximately 20 people from the public in attendance. YSS presented the need for the facility and questions asked by the public were generally regarding safety of neighboring property owners and property, road maintenance, property values, and general questions about the clients.

Amman and Schoeneman discussed the Standards of Approval and the Planning and Zoning Commission's Findings of Fact related to the Standards of Approval:

- **Compatibility** - The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development or use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.

Several conditions are proposed to ensure there isn't interference with the use of adjacent properties.

On the compatibility of operations, Schoeneman stated that staff and the sheriff reviewed the police calls data from the past three years for YSS' facilities in Ames and approximately half were for elopements. With a 52-acre campus, versus a 30-foot front yard in downtown Ames, elopements are anticipated to decline. Schoeneman stated that we all know there's a difference when you walk out the door and see Fareway or the gas station versus streams, walking trails and prairie. The following conditions are recommended to ensure YSS' operations address any potential issues resulting from elopements:

- DHS sets required staffing ratios of 5:1 during the day and 8:1 during sleeping hours. The Planning and Zoning Commission recommended a condition that meeting licensing requirements for ratios and ensuring that there are sufficient staff members during overnight hours so that no pods are without staff.
- Another recommended condition is that YSS would work with Planning and Development and the Sheriff's Office to develop a property demarcation plan. It

could include no trespassing signs, information given to the clients when arrive about where the property boundaries are, and it could include split rail or open wire fencing to mark the property lines.

- Another condition would be that YSS will dedicate personnel to a missing person/runaway task force to serve as the initial response to those eloping from the facility. This would involve working with the Sheriff prior to ensure there is a clear process in place should an elopement arise so that YSS can respond immediately.
- YSS shall continue to collaborate with the Sheriff's Office should other issues arise on changes to procedures, operations, or resource sharing to mitigate public safety concerns that may arise to include overtaxing law enforcement resources due to call volume, community complaints, and YSS resident and staff safety.

On the compatibility of the campus' design, Amman noted that the building would be approximately 885 feet west of 580th Ave. The topography of the area means that the building location is higher than the road and as such is likely to be seen from 580th Ave. Trees along the entrance drive will be maintained during construction as possible.

There is a dwelling approximately 630 feet northeast of the facility. The parcel on the southern property line has a dwelling on it that is located approximately 1,180 feet southeast of where the campus is proposed.

The building will meet all site plan standards and will be 50 feet from the south property line. The parking area will be south of the building. Construction may impact trees on this property line. As the parking area is south of the buildings and trees are required to be planted in the parking area, some screening from the dwelling to the south will be provided. There are 16 trees shown on the site plan that will be planted in this area.

The building is planned to be built using stone, glass, and wood toned siding to match the locality.

The area north and west of the building is protected with a conservation easement.

The focus of this facility is nature-based therapy, necessitating the need for a rural location.

The compatibility standards focus on impact of the surrounding area, but it is also important to consider the greater impact the facility will have on the community. YSS anticipates the campus could serve hundreds of adolescents annually- this will almost double YSS' current capacity at its Story County facilities and assist in providing treatment for the 7,000 Iowan adolescents that do not receive treatment for a substance use disorder every year.

- Transition - The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Amman stated that the proposed structure has a maximum height of 38 feet. The pods will be one story. Other findings related to the transition standard were discussed under the compatibility of the building's design and include:

- The proposed facility will be situated approximately 912 feet from the center of 580th Ave. The proposed construction site is elevated approximately 20 feet above the road.
- The proposed facility is likely to be visible from the road. Trees able to be maintained along the entry drive will provide some buffer.
- The proposed structure has a maximum height of 38 feet. The pods will be one story.
- The structure will be in the southeast corner of the property.

- Trees on the south property line nearest to the building will be retained as possible during construction. Trees are required to be planted around the parking area in a ratio of one tree for every five spaces. These will provide additional screening south of the building.
- Traffic – The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Schoeneman noted that there have been questions from the public on the traffic impact analysis. The Iowa Department of Transportation completes traffic counts every four years and 2019 is the most recent. These counts are what are usually used as part of a traffic analysis and according to the Story County Engineer these counts are a professionally accepted method. The traffic study itself is not from 2019, it is from this summer. The traffic study entails more than just looking at the counts, it also looks at trip generation and peak travel times and those along with the counts come together to impact the level of service and flow of traffic on the roadway. There would need to be ten times the amount of traffic on the roadway before impacting the level of service. More updated counts are not needed, and with COVID it may not be possible to get more accurate counts. The morning peak projection in the study coincides with the school drop-off times and the road is still at its current level of service. The only potential traffic impact is dust and a condition has been added to address that.

Amman stated that the traffic impact analysis stated that the proposed use would generate approximately 100 new trips a day. Currently 580th Ave has an average daily traffic count of 90.

The traffic study stated that the expected level of service for the road will stay at A.

Staff and the Planning and Zoning Commission recommend a condition that YSS pays for 400 feet of dust control for every residence on 580th Ave between W 4th ST and Highway 210. Currently only two properties pay for dust control on that mile of 580th. This will provide an improvement to the area regarding dust control.

The Engineer's office was asked if dust control leads to more maintenance on the road. The Engineer's Office stated that dust control in general helps with stabilizing the road surface which results in less blading needed.

- Parking and Loading – The development shall provide all off-street parking and loading areas as required by the Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Amman stated that YSS provided a parking plan that shows parking will take place along the south east side of the proposed building.

All parking and drives ways will be five feet or more from property lines. Four parking spaces are ADA and remaining 66 are regular parking spaces. 16 trees will be planted to meet the county standard of one tree per five parking spaces.

The turn-around standards are met for emergency vehicles.

- Signs and Lighting – Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity and shall comply with the requirements of Section 88.09, Site Lighting.

Amman stated there is signage and lighting proposed for the site.

The proposed signage will require a sign permit.

The lighting will meet the county standards of less than 1800 lumens or it must be fully shielded.

A condition is recommended that the lighting meets the county standards and a sign permit be submitted.

- Environmental Protection – The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration. Dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Schoeneman stated a lot of questions about the septic system have been received. Typically, the septic could be considered under the standard or environmental protection if a new use was proposing to use an existing system and assurances were needed that it was adequate. This is going to be a new system. Questions have been raised about if YSS would hook up to city sewer, or have a septic system. The city is not interested in having YSS hook up to the city sewer, which is fine. YSS will need to go through a permitting process with the IDNR to have an on-site septic system. Due to the scale of the system needed, the IDNR will apply higher standards than for a residential system. The same effluent discharges as required at the federal level for municipal wastewater treatment systems, as well as a 1,000-foot buffer from dwellings. There will be adequate protection for water resources. Schoeneman stated that the only difference between this and the Cambridge Wastewater facility is that the IDNR creates additional standards for discharges based on the functional classification of the stream to make sure that the stream is not degraded from the current use.

Amman stated County Conservation completed an onsite inventory of natural resources on the site. There was a total of 43 species of flora identified. The list of flora identified can be found in the conservation easement.

YSS provided a conservation easement of 29.12 acres to the county based on discussions with the County Conservation Board. The County Conservation Board accepted the easement at their September 13, 2021 meeting.

The easement outlines approved and unapproved activities that can take place in the easement area and protects the sensitive environmental areas on the site.

The campus will focus on nature-based therapy. This therapy includes holistically informed treatment. Nature-based therapy is defined as therapeutic interventions that incorporate plants, natural materials, and/or outdoor environments, without any therapeutic involvement of animals or other living creatures.

Outdoor activities will include a pergola for meditation and yoga, and outdoor classroom and amphitheater, a garden, and trails for walking and hiking.

Schoeneman stated that if the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will cause one of the following issues:

- The development will not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

Schoeneman stated that this is about the development operations and emphasized the word adequately. There are a lot of concerns about worst case scenarios. Staff worked with the Sheriff's office to review the police calls information and recommend conditions on the operations to ensure that the proposal safeguards surrounding property owners, that YSS has the capacity to provide immediate response to security needs, and

elopements are reduced. The condition could also help ensure the proposal to not overburden law enforcement, but that is not necessarily the goal of the standard. Again, this is about adequate safeguards based on a lot of concerns on worst case scenarios. The Planning and Zoning Commission found that the clients are adolescents who are in need of mental health treatment. They are not criminals. There is no history of assault or violence against a neighbor in YSS' history. There have been a lot of comments on the amount of police calls in 2021. After the meeting, YSS looked through the incident data since July of 2020 and found only one call that involved a neighbor. The incident involved a resident throwing walnuts at a neighbor's house. The data is saying there is a lot of calls, but no history of assault or violence against a person on a neighboring property.

Again, the recommended conditions related to adequately safeguarding residents and neighbors are:

- A property demarcation plan.
 - Dedicating personnel to missing persons and a runaway plan taskforce.
 - Continuing to work with the Sheriff's office on changes to procedures or operations as needed.
 - Forming a plan on who is responsible for transporting individuals to the facility.
 - Having staff at the facility around the clock and reserving requests for law enforcement response to incidents that meet the level of criminal charges.
 - Maintaining the client and staff ratio levels as required by licensing.
- The development will not impair an adequate supply of air and light to surrounding property.

Schoeneman stated there is no indication that it would impact light or air.

- Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers.

Schoeneman stated the development will not unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers. Traffic has been discussed already. Regarding fire, additional comments were received from the Cambridge Fire Chief after the meeting with concerns about the adequacy of the sprinkler system. Staff reached out to the State Fire Marshall. Since DHS is the licensing agency, the State Fire Marshall will review the plans and inspect the facility. The State Fire Code applies, including for the sprinkler system. There is also a condition that the sprinkler code is met. YSS is proposing to use a retention pond for the sprinkler system, which allowed under the State Fire Code and there are special provisions about making sure the line isn't clogged. There could be fewer maintenance issues with an underground storage source, but this is certainly allowed under State Code and will fall under the State Fire Marshall. There will also be a well or a hook up to rural water for additional water to be added should there be a drought.

A floodplain permit is required for any development in the floodplain. Generally, Story County discourages development in the floodplain.

- Diminish or impair established property values on adjoining or surrounding property.

Schoeneman stated the Story County Assessor's Office raised no concerns property values, and the Assessor's review has been the standard to determine this requirement is met for almost every conditional use permit.

- Not be in accord with the intent, purpose and spirit of the Ordinance or the Cornerstone to Capstone Comprehensive Plan.

Schoeneman stated the C2C Plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas. No agricultural land is being taken out of production and protection of environmentally sensitive areas is being done with the conservation easement.

In addition to staff and the Planning and Zoning Commission's findings, Schoeneman and Amman presented comments received from county departments, members of the public, and the Planning and Zoning Commissioners.

Public notices were mailed to adjacent property owners within ½ mile of the proposed site on September 22nd, 2021, for the Planning and Zoning and Board of Adjustment Meetings. Public notices were again mailed to adjacent property owners within ½ mile of the proposed site on October 8, 2021 for the Board of Adjustment meeting on October 20, 2021. All written public comments received prior to and after the Planning and Zoning Commission (but prior to the posting of the Board of Adjustment agenda) are included on the agenda center. Staff forwarded all comments received after posting the agenda to the Board of Adjustment prior to their meeting so they would be included in the record.

Comments received from the General Public before the Board of Adjustment meeting included:

- Personal safety and safety of property
- Cost of building the facility and potentially paving the road
- Locating the facility nearer to professional medical staff
- Destruction of wildlife habitat
- Impact on commercial and residential development near Cambridge
- Impact to property values
- Emergency services and police
- Traffic impacts
- Costs to the community and whether YSS pays taxes
- Impacts to local school districts
- Personal safety and safety of property
- Cost of building the facility and potentially paving the road
- Locating the facility nearer to professional medical staff
- Destruction of wildlife habitat
- Impact on commercial and residential development near Cambridge
- Impact to property values
- Emergency services and police
- Traffic impacts
- Costs to the community and whether YSS pays taxes
- Impacts to local school districts

In addition to county departments (whose comments have been discussed) staff also reached out to the City of Huxley, City of Cambridge, Ballard Schools, Story County Medical, Cambridge Fire Chief for discussions and any comments or concerns were addressed in the staff report.

Schoeneman summarized the Planning and Zoning Commission's discussion from the October 6, 2021, meeting. Most of the commission's discussion mainly focused on the concerns about security and safety. The commission discussed misconceptions about the clients and crime. One commissioner wanted to clarify that there was no history of assault on neighbors by residents. That commissioner stated that condition is adequately safeguarding adjoining properties and that it refers to actual harm, and not a feeling of safety. There is no history of personal injuries against neighbors and general welfare of residents of residents and those residing on adjoining property was adequately safeguarded. The commission found the request met all standards for the conditional use permit and recommended approval of the Conditional Use Permit for the YSS Youth Recovery Campus with the following conditions:

- YSS shall provide dust control on 580th Avenue two times a year in front of every dwelling on 580th Ave between W 4th St and Highway 210 and in front of the campus, with an application length of 400'.
- No more than 70 clients can be located at the campus without first obtaining a minor modification to the CUP.

- Zoning permits are required to be obtained prior to any work beginning on the site. Any subsequent improvements to the site will require insignificant/minor modifications to the CUP and applicable zoning permits.
- All lighting and signs on the site must meet county requirements.
- All refuse and mechanical equipment must be screened.
- A stormwater management plan meeting county requirements shall be submitted prior to issuance of zoning permits.
- A NPDES permit must be obtained from the IDNR.
- A septic permit must be obtained from the IDNR.
- No development may occur in the floodplain without obtaining a floodplain permit.
- The parcels must be combined into one parcel.
- National Fire Protection Association Chapter 13 Standard for the Installation of Sprinkler Systems shall be met. The construction drawings shall be provided to Cambridge Fire.
- A property demarcation plan shall be developed by YSS with Planning and Development Staff and the Story County Sheriff's Office. It will include no trespassing signs on all property lines, split rail or woven wire fencing to mark property lines that are unclear (for example with the wooded property to the north), and procedures to inform clients about boundaries. This shall be completed prior to opening the facility.
- YSS shall dedicate personnel to a missing person/runaway taskforce that will serve as the initial response to those eloping from the facility. This taskforce will exhaust all options to locate and recover the juvenile, including completion of a missing persons report, area search, and family and known association contacts prior to a law enforcement response. The Story County Sheriff's Office will be responsible for entering the juvenile as a missing person and may respond as calls for service, resources, and legal authority allow. YSS shall also work to involve local community partners in the taskforce and response.
- YSS, the Story County Sheriff's Office, and other necessary partners shall form a plan or agreement as to who will be responsible for all court ordered transports of juveniles from their facility, specifically, those where the Story County Sheriff's Office is named prior to the opening of the facility.
- YSS shall provide around the clock security (staff) for the facility and reserve requests for law enforcement response to incidents that meet the level of criminal charges and prosecution.
- YSS shall collaborate with the Story County Sheriff's Office on changes to procedures, operations, or resource sharing to mitigate public safety concerns that may arise to include overtaxing law enforcement resources due to call volume, community complaints, and YSS resident and staff safety.
- Licensing requirements for client and staff ratios shall be met and sufficient staff members shall be available during overnight hours so that no pods are without staff.

The Board has preliminary questions for staff and the applicant. McGill asked for clarification of the calls received by the Ames Police Department. McGill thought it seemed like a lot of calls received for elopement. McGill felt that the police department may have an officer close by, but a sheriff's deputy could be on the other side of the county. Schoeneman stated the condition is to ensure that there is a process in place to determine at what point law enforcement is needed. McGill asked who is currently in charge of transportation for court orders. Schoeneman stated a judge determines who is appointed to provide transportation. McGill asked if the primary water source is rural water and if there is a capacity to meet the demand. Amman stated that yes, they will be connected to rural water and there is enough capacity.

Andrew Allen, the applicant, spoke and provided information about how his life has been personally impacted by the program. Allen provided a summary of the types of individuals that would receive treatment at the facility. DHS does not send kids that are sex offenders or don't fit in with YSS' treatment program, and stated that there are other programs available for those types of situations. Allen stated they are committed to doing both what is right for kids and working to be a good neighbor.

Hovick asked if the facility could be compared to Woodward. Allen stated they do not compare their facility to Woodward. Hovick asked if Woodward has their own police force or who provides law enforcement. Sheriff Fitzgerald stated that if it's in the city the police department would provide services. If not, the county would.

Allen stated that this is a non-locked facility and sometimes kids get mad and walk away. Allen stated that there has never been an immediate need for law enforcement during elopements in the last six years, and only once there was a need for law enforcement immediately.

McGill asked about the concept of the elopement taskforce, if the structure is currently in place, and how they determine if law enforcement is needed. Belinda Meis stated that currently there is structure in place, which will be reviewed to make changes for a rural setting. In addition to staff at the facility, there will also be on-call staff. There is administration staff and facilities that can also be used to assist. YSS has an action plan and will also explore technology options to monitor the buildings, youth and property. The Risk Management Plan focuses on safety and continuous improvement and safety and security will be added. McGill asked what would trigger law enforcement being called for an elopement. Meis stated that elopements are reported to law enforcement when the resident leaves the property. On the 53 acres there will be safe spaces where kids can get away. Jondle asks what warrants an elopement call. Meis said they will work with the Story County Sheriff on how things should be handled without involving law enforcement. Hovick asked if someone leaves the building if staff follows and Meis said yes. Neubauer asked how many staff for the 70 clients. Ratio is 1:5, which does not include administrative staff or other personnel. Discussion took place on how many clients are serviced a day currently and that the current houses will not be related to the proposed site.

Dane Zuercher with YSS spoke and stated he has 25 years law enforcement experiences and a previous security manager. Technology options are being looked into such as video systems to assist with knowing when youth leave the building.

McGill opened the public hearing.

Shannon Wooge - Shared an experience her family personally had with YSS. Drug and alcohol addiction took control of one of her sons who suffered with ADD and anxiety and turned to drug and alcohol addiction. Options had been exhausted until found YSS. Her son spent 4 months in the treatment program and emerged a completely different person, learning ways to cope. Wooge feels YSS saved her sons life.

Matt Kahler – Feels there is a need for the facility. Standards for sprinkler systems does not guarantee the capability of providing services due to a low number of firefighters available on the department. He feels that the Cambridge Fire Department does not have the numbers and mutual aid takes minutes to arrive. McGill asked if rural water capacity is able to serve a facility of this size. Kahler stated that a retention pond of the size on property would not be sufficient, but the state fire marshal will regulate that.

Hovick stated that sprinkler systems are designed to make it so fires do not turn into a big ordeal before the fire department arrives. Hovick does not feel an argument applies of the fire department not having enough manpower for the proposed facility since they allow the school to remain open with a low number of firefighters available during the day, which holds more than 70 kids.

Brian Lucy - Feels a rural setting is very important. As a parent of a son with an addiction, long term treatment is the only way to solve the issue and more beds for youth is vital so that families do not have to go out of the state to find treatment. His son feels the nature bases setting was important to his recovery as the connection to nature allows being able to get away to calm themselves.

Tim Day - Feels nature is very important, as well as having areas outside for kids to get away for alone time. He does not feel elopement should be related to danger. There is a dire need for the support of young people for treatment of substance abuse.

Matthew Clinton - Understands there is a need for the YSS facility, but does not support the facility being built at proposed location. He feels safety is a concern and that security concerns presented were not supported by facts. He feels there have been many calls to Ames Police regarding assault according to police records.

Kim Clinton - Does not feel statements from YSS should be used as facts. Not satisfied that Allen's solution is to talk to the kids and get to know them if one elopes and is on a neighbor's property. Does not feel a chain link fence would be traumatic and provided an example as to them being used at schools. Feels the facility creates a burden if the police department and fire department are not able to support the facility, which in turn would place a burden on other communities.

Stephanie Birt - Understands about neighbors having fear. She lives near Woodward Academy and admits it created anxiety for herself when it first opened. From personal experience she has grown personally from having Woodward as neighbors. There have never been any problems. Sometimes residents leave, but there have never been any assaults in the neighborhood and the kids there have more violent backgrounds than the kids at YSS will have. Substance abuse and mental health does not discriminate and can happen to anyone. The kids need help and a nature based setting provides an opportunity of peace. Feels it is important for neighbors to set their own needs aside and think about how they can make a difference in the lives of someone else.

Steve Claussen – Provided information on data related to the YSS in Mason City regarding police reports. Spoke about runaway reports being projected for the 70 bed facility to be approximately 200 per year. Feels the requirements are not met.

Rhonda Claussen – Spoke about environmental protection and property values. Feels a private septic system will create challenges and odor. Feels the facility should be in a location where utilities and emergency services are readily available.

Constance Toresdahl – Feels the facility is needed. Has concerns about what is planned to fund the extra resources needed for law enforcement.

Marygrace Sievers – Concerned due to living alone and also about opportunities in the event the children would need access to medical care, as well as a staff retention plan.

Brenda Moody – Not against kids or YSS. Asked the board to view this through the eyes of property owners. Concerned about property values. Feels the transparency process could have been better - not enough time was given prior to meetings, as well as time of day of meetings makes it hard for people to attend. Feels there may be more unknowns and has safety concerns regarding law enforcement not being available.

Camie Stockhausen - Understands fear created by the thought of elopements. The assaults that take place are inside the facility, not during elopements. Nature is wonderful for the kids to experience. Does not feel property values will be affected by the facility

Russell Wood - This type of facility is to prevent youth from trauma. Treatment and recovery while young is needed. The program would assist people from all across the state. Ultimately safety, wellbeing, and property values are concerns of neighbors. Referred to a quote given by Andrew Allen at the Planning and Zoning Commission meeting that stuck out to him. These are not bad kids trying to be bad, but sick kids trying to get well. He hopes the Board of Adjustment takes into consideration the nature of the clients that will be served at the facility.

Marissa Eyanson State Director of Mental Health – Understands the feelings of discomfort and danger. Experiences of behavioral health concerns are common. Behavioral health includes mental illness and substance abuse. Mental health isn't predictive of violence. Things we see on television create fear. Less than 2% of the population meet criteria for violence. Facts are important and fear is understandable, but fear is a misconception.

John Sage – Had concerns about if this was a private company wanting to come in and build housing it wouldn't have been allowed.

Joshua Clinton Felt that the words, "raises no concerns" has been used a lot by staff. Feels the sheriff may not be able to respond in a timely manner. Feels property values will be affected. Feels there was minimal discussion on criteria being set and had comments about the actual harm versus feeling of harm quote by Commissioner Schneider.

Tim Leeds - Story Medical supports the YSS facility. A rural setting is an excellent place to treat the individuals. Feels the program is excellent opportunity and does not believe there will be issues for neighbors.

Marty Griffith - Questioned why the new facility wasn't allowed in Ames.

Emma Clinton – Feels helping youth is fantastic. Feels that the maximum age of clients being treated could be an issue. Feels the board should listen to law enforcement who will actually be the ones responding to calls. Preparing for the worst is important in the event it is to happen since the local emergency personnel does not have the capacity to handle.

Rob Keeling – Feels business decisions should be based on data and not emotions. His concern is also safety with the bike trail and school nearby. Traffic could bring different types of people into the area. Asked why the radius of notification was only a half mile. Schoeneman stated regulation is to provide notification to 1/4 mile, which was doubled for this case. Keeling feels security is a concern and asked what would happen in the event YSS does not adhere to conditions.

The Board had further questions for staff and the applicant. Neubauer asked Andrew Allen about the primary concern about safety. Have there been any incidents where neighbors have been involved except the walnut incident previously mentioned. Allen stated, no incidents involving neighbors. Fire concerns - any fire calls in current facilities? Allen stated there had been one in Boone and one in Ames.

Hovick asked about easy access to Kum and Go and asked if clients are allowed to use cell phones and if visitors have restrictions. Allen stated cell phones are not allowed. There are specific times when family members are allowed to visit. There is a screening process done with all visitors and the kids are always checked when come back in.

McGill asked about the safety of the kids in the facility, specifically for kids getting lost if they leave the facility. Allen stated eyes are always on kids and feels the facility will have cameras in place. Staff will respond and kids will likely leave and walk down the driveway and staff will be close by. There will be alarm systems on doors so staff will always know if someone leaves the building after certain hours. Monitors will allow staff to be able to see who is leaving. Jondle asked if security measures have been decided. There will be security measures, but specific systems are still being looked at. Technology will be used and local authorities will be worked with to ensure the right systems are in place.

Hovick asked if law enforcement is involved and if a client who elopes is allowed to remain at the facility. Those situations are worked out on an individual basis to see what is in the best interest of that youth going forward.

Allen stated this is not a new model and best practices will continue to be looked at.

Hovick asked what would happen if conditions are not kept up by YSS. Schoeneman stated that staff conducts code enforcement and if they received a complaint there would be an opportunity for YSS to first correct. If not corrected a notice of violation would be issued and then a citation which goes to court. If a condition would be requested to be waived, it would come back to the Board of Adjustment for approval. Hovick asked if YSS would leave the property what restrictions would there be for a new property owner. Schoeneman stated it would be limited as to what would be allowed in the A-1 Agricultural Zoning District. Otherwise it would come back to the Board of Adjustment for a new Conditional Use Permit. Several comments were made

about not having enough staff to immediately respond. Discussion took place on the amount of support staff available to respond to calls or if a deputy would need to respond. Sheriff Fitzgerald stated that calls are prioritized with urgent calls being responded to first. Two - four deputies are typically on duty on an average night. Services would not be minimized to residents in the area. If someone leaves, he would hold YSS to their word that they will be working on locating the client on their own.

McGill requested a 5-minute recess at 6:26 p.m.
Reconvened at 6:30 p.m.

McGill again asked Sheriff Fitzgerald how many deputies are out on average meeting. Fitzgerald stated the average is two – four in the evening. Fitzgerald provided information that that since the City of Woodward annexed the area where Woodward is located, the Woodward Police Department provides services, and the county is available for back up.

McGill stated he still has questions about rural water, is concerned about the strain on law enforcement, traffic, fire concerns and safety of kids in the facility.

Neubauer agrees that water supply is a concern.

Jondle provided information about a recent subdivision in Story City and water coming from a retention pond vs being transferred from a hydrant. Hovick stated when using retention pond that the pond should be filled and also a dry hydrant could be added as a condition. There are two ponds on the property - 1 detention and 1 retention.

Jondle stated that 100 extra trips a day is not a lot and she has personal experience with that amount of traffic. Hovick stated he also has personal experience dealing with extra traffic created by a detour. Jondle stated a convenience store creates roughly 100-150 trips per hour.

Staff again read through conditions.

Schoeneman provided clarification about adopting findings of fact related to the standards of approval and considering if standards are met. McGill stated that the job as a Board is to adopt findings of fact related to the standards of approval and consider if the standards are met. From the Story County Land Development Regulations: It shall be presumed the application complies with all criteria and standards-not specifically found to be unsatisfied. And if the Board of Adjustment concludes that all such criteria in Section 90.04(1) have been met, the application and plans shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in Section 90.04(2). Separate votes may be taken with respect to each standard. If the Board does not agree with staff and the commission's findings presented, we need to discuss the specific standard in question and have a motion adopting new findings as well as finding the standard is not met.

Schoeneman stated that if the board would like a condition added based on public testimony for dry hydrants there would need to be a motion based on the additional testimony.

Neubauer recognizes that most of the public comments were about safety, but feels when thinking about the future, you need to think about what has happened in the past. No one presented evidence of incidents that threatened neighbors.

Motion by Neubauer, Second by Hovick to approve the presented Findings of Fact.

Hovick feels that the incidents (calls) that have taken place are due to it being in a completely different, urban setting.

Voting Aye: Neubauer, Hovick, Jondle, McGill
Voting Nay: None
Absent: Excell
Vote: (4-0)

Neubauer asked about thoughts about adding a condition for a dry hydrant based on public comments. Jondle asked about maintenance for a dry hydrant. Hovick stated that the fire department should be trained annually for using dry hydrants and that part of the condition should be for YSS to provide the dry hydrant fittings needed to the fire department.

Motion by Neubauer, Second by Hovick to amend the Findings of Fact, adding that YSS install a dry hydrant to meet the standard in 90.04 (2)(C), with YSS providing the dry hydrant fittings to the fire department.

Voting Aye: Neubauer, Hovick, Jondle, McGill

Voting Nay: None

Absent: Excell

Vote: (4-0)

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the YSS Youth Recovery Campus CUP21-000009, with the following conditions:

- YSS shall provide dust control on 580th Avenue two times a year in front of every dwelling on 580th Ave between W 4th St and Highway 210 and in front of the campus, with an application length of 400'.
- No more than 70 clients can be located at the campus without first obtaining a minor modification to the CUP.
- Zoning permits are required to be obtained prior to any work beginning on the site. Any subsequent improvements to the site will require insignificant/minor modifications to the CUP and applicable zoning permits.
- All lighting and signs on the site must meet county requirements.
- All refuse and mechanical equipment must be screened.
- A stormwater management plan meeting county requirements shall be submitted prior to issuance of zoning permits.
- A NPDES permit must be obtained from the IDNR.
- A septic permit must be obtained from the IDNR.
- No development may occur in the floodplain without obtaining a floodplain permit.
- The parcels must be combined into one parcel.
- National Fire Protection Association Chapter 13 Standard for the Installation of Sprinkler Systems shall be met. The construction drawings shall be provided to Cambridge Fire.
- A property demarcation plan shall be developed by YSS with Planning and Development Staff and the Story County Sheriff's Office. It will include no trespassing signs on all property lines, split rail or woven wire fencing to mark property lines that are unclear (for example with the wooded property to the north), and procedures to inform clients about boundaries. This shall be completed prior to opening the facility.
- YSS shall dedicate personnel to a missing person/runaway taskforce that will serve as the initial response to those eloping from the facility. This taskforce will exhaust all options to locate and recover the juvenile, including completion of a missing persons report, area search, and family and known association contacts prior to a law enforcement response. The Story County Sheriff's Office will be responsible for entering the juvenile as a missing person and may respond as calls for service, resources, and legal authority allow. YSS shall also work to involve local community partners in the taskforce and response.
- YSS, the Story County Sheriff's Office, and other necessary partners shall form a plan or agreement as to who will be responsible for all court ordered transports of juveniles from their facility, specifically, those where the Story County Sheriff's Office is named prior to the opening of the facility.
- YSS shall provide around the clock security (staff) for the facility and reserve requests for law enforcement response to incidents that meet the level of criminal charges and prosecution.
- YSS shall collaborate with the Story County Sheriff's Office on changes to procedures, operations, or resource sharing to mitigate public safety concerns that may arise to include overtaxing law enforcement resources due to call volume, community complaints, and YSS resident and staff safety.

- Licensing requirements for client and staff ratios shall be met and sufficient staff members shall be available during overnight hours so that no pods are without staff.
- YSS shall install a dry hydrant.
- YSS shall provide the necessary fittings for the dry hydrant to the fire department.

Motion: Neubauer

Second: Hovick

Voting Aye: Neubauer, Hovick, Jondle

Voting Nay: McGill

Absent: Excell

Vote: (3-1)

McGill stated he feels YSS does a great job, but he is not sure if this is the proper setting because of services involved.

BOARD/STAFF COMMENTS:

Staff: Schoeneman thanked the board for their time this evening. There are two new interns which will be working on work program items. Asked if anyone signed up for the ISU Extension training. Schoeneman stated she would also be providing some supplemental training at a future meeting.

Board: None

ADJOURNMENT: 6:54 PM


Approval of Minutes

 11/17/2021
Title and Date