



**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: March 21, 2018	Steve McGill	2017
	Lynn Scarlett	2018
CALL TO ORDER: 4:03 PM	*Karen Youngberg	2019
PLACE: Public Meeting Room	Randy Brekke	2019
Administration Building	Steve Bruns	2021
	*Absent	

PUBLIC PRESENT: Greg Ervanian, Doug McCay, Brad Perkins, Chase Perkins, Cade Perkins, Josiah Korpt, Nathan Keeny, Rosa Keeny, Ryan Giehling, Becky Christiansen, Kim Christiansen, Lisa Harrison, Candy Palacios, Sindy Palacios, Jolene Trickle, Darwin Trickle, Anna Acton, Russ Acton, John Moore, Steve Black, Ken Kling, Gina Perkins, Sharon & Terry Klinger, Jennifer Olsen, Cole Perkins, Andrew Adams, Nolan Owensby, Luke Owensby, Leah Owensby, Susan Souhrada, Laurie Willson, Linda Stott, Brandt Birdwell, Asher Long, Jackson Adams

STAFF PRESENT: Jerry Moore, Director; Emily Zandt, Planner, Amelia Schoeneman, Planner, Stephanie Jones, Recording Secretary and Debra Schildroth, Director of External Operations and County Services

ROLL CALL: McGill, Scarlett, Youngberg, Bruns, Brekke
ABSENT: Youngberg

APPROVAL OF AGENDA (MCU)

APPROVAL OF FEBRUARY 21, 2018 MINUTES Motion Carried Unanimously (MCU)

PUBLIC COMMENTS: None

HEARINGS:

CUP03-08.2 CENTER GROVE ORCHARD KIDS FARM CAMP

Jerry Moore presented the staff report giving background information on Center Grove Orchard and an overview of the proposed conditional use permit major modification request for a children's farm camp. Moore stated that the proposed weeklong day camp sessions for pre-school to 2nd grade and 3rd to 8th grade kids would be offered in June and July. The farm camp will encourage campers to explore the applicant's farm and discover how science is tied to farming. Campers will experience the lifestyle of growing their own food and caring for livestock. Moore stated that the farm grows many different crops and the campers will learn about the production of the crops grown on the farm.

Mr. Black offered to answer any questions from the Board.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit as submitted by the applicant as put forth in case CUP03-08.2.

Motion: Bruns

Second: Brekke

Voting Aye: McGill, Scarlett, Brekke, Bruns

Voting Nay: None

Not Voting: None

Absent: Youngberg

Vote: (4-0)

CUP01-18 COUNTRY LIVING COURT, LLC

Amelia Schoeneman presented the staff report and stated that the request is for a conditional use permit to allow recreational vehicles (RVs) at Country Living, an existing manufactured housing community. The applicant proposes that RVs may be located in 10 of the 37 existing lots for manufactured homes and interchanged with manufactured homes as needed/determined by demand. No additional lots beyond the existing 37 are proposed. The property is zoned Residential Manufactured Housing (RMH) District, where manufactured housing developments are a permitted use and commercial campgrounds/travel trailer parks are permitted through a conditional use permit. Schoeneman stated that at their March 7, 2018 meeting, the Planning and Zoning Commission recommended approval of the conditional use permit with conditions.

Scarlett asked if the lagoon concerns have been taken care of. Schoeneman stated that the DNR has set a 2019 compliance deadline for the applicant to address concerns. Brekke asked if there are limits on the size of the RVs and Schoeneman stated there were not. Bruns asked if a water test has been completed and Schoeneman stated that they are connected to rural water. Bruns stated that he feels some interior street maintenance and clean up needs to be completed in the park. Schoeneman stated that could be added as a condition, and reminded the Board that staff conducts annual inspections of manufactured housing developments as a work program item.

Discussion took place amongst the Board members that the interior streets need gravel and Bruns stated that he would like to see spot repairs added as a condition.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Commercial Campground/Travel Trailer Park as put forth in case CUP01-18, with the following conditions:

- 1. 911 addresses shall be posted for each RV site in accordance with the requirements of Story County Ordinance No. 161 within 30 days.**
- 2. Delinquent taxes on the property and individual units owned by Country Living Mobile Home Park are paid to current status.**
- 3. RVs shall connect, in the same manner as a manufactured home, to water, gas, and sewer. All RVs are required to have adequate bathroom facilities (shower, toilet, etc.). All RVs located on the property in the winter are required to have appropriate skirting.**
- 4. A modification to the conditional use permit is required for the conversion of any additional lots to RV spaces.**
- 5. Staff shall conduct a site review of the park to identify spot repairs to be made on the streets.**

Motion: Bruns

Second: Brekke

Ayes: Scarlett, Brekke, McGill, Bruns

Nays: None

Not Voting: None

Absent: Youngberg

Vote: (4-0)

CUP08-17 RASPBERRY HILL RESORT COMMERCIAL CAMPGROUND AND TRAVEL TRAILER PARK

Emily Zandt presented the staff report and stated that this request is for a Commercial Campground and Travel Trailer Park with up to 20 permanent cabins and 10 parking spots for Recreational Vehicles (RVs). This proposed use is in addition to the eight-room Bed and Breakfast and 4,400 square foot event venue for up to 300 guests approved as CUP09-17 by the Board of Adjustment on February 21, 2018. Zandt provided information on the proposed request and stated that it is not consistent with the Ames Urban Fringe Plan Land Use Framework Map designation and policies of the Urban Residential Area, is not compatible with surrounding land use, and has potential for major impacts on nearby property owners. Zandt stated that Planning and Development staff recommend denial of the proposed Commercial Campground and Travel Trailer Park Conditional Use Permit and that the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Commercial Campground and Travel Trailer Park without conditions at their March 7, 2018 meeting.

Brekke asked how many local residents commented. Zandt stated that there were several nearby property owners, but the emailed comments came from all over. Scarlett asked if there is a map that shows the physical property with the bed and breakfast, event venue and the proposed campground in relation to the neighbors. Zandt showed an aerial image and pointed out where the items proposed would be located. Scarlett asked about if the bridge would be strong enough to support RVs. Moore stated that the property owner is here and may be able to comment on that. Brekke asked what the property has been used for in the past. Zandt stated that it used to be row crops before the trees were planted.

Brad Perkins spoke and gave an overview of the proposed plans for the campground. Mr. Perkins stated that there would be no construction within the flood plain. Mr. Perkins stated that the trees are in reserve and would be left alone, however dead trees and ash trees would be removed. Mr. Perkins stated that the existing property is served by Xenia and an onsite well capable of providing an additional 20 gallons per minute and could supply 33 showers to be used at the same time. Mr. Perkins stated that he proposes to collect rainwater using a type of cistern technology that would be used for flushing toilets and irrigation. Mr. Perkins gave an overview of the septic system that he proposes to use and stated it would need to be approved by the DNR. Mr. Perkins gave an overview of a dry hydrant that is proposed to be used for firefighting purposes in the event of a fire emergency. Mr. Perkins spoke about traffic and stated that shuttles are proposed to be used to transport guests from hotels in town to the property, which would reduce the traffic flow. Mr. Perkins shared aerial images that show how the trees would buffer the cabins from the adjacent property owner. Mr. Perkins made reference to Dakins Lake in Zearing, where the county recently approved a cabin to be constructed and rented out by Story County Conservation. McGill asked the applicant to give information on the current proposal only and to try to limit the presentation to include only what is significant to this property and keeping in mind that there are possible violations with the Ames Urban Fringe Plan.

Bruns asked for a recess at 5:37.

McGill called the meeting back to order at 5:40.

McGill asked that the applicant consider the overall compatibility and reminded Mr. Perkins that the board has to keep the Ames Urban Fringe Plan in mind. Mr. Perkins stated that all proposed projects are south of the creek in natural areas. Mr. Perkins stated that the reason he used Zearing as a comparison is that it is a similar situation being in a natural area with residential single-family dwellings nearby. Mr. Perkins stated that in order to have a campground he has to have property located in A-1 zoning that is not currently in agricultural production in order to meet county requirements. Mr. Perkins does not feel that it is accurate to say that a campground is not compatible with residential areas when there are other examples within the county where single-family dwellings are located near campgrounds.

Mr. McGill asked if there is agreement for the sale of the property. Mr. Perkins stated that he and Mr. McCay have an agreement in place contingent on being able to obtain the CUPs for the property.

Mr. McCay spoke and stated that he has tried working with the City of Ames for development of the site without success. Mr. McCay feels that the City is trying to control the land and will not reasonably work with him to come up with a plan. Mr. McCay stated that there is not a bridge, but rather culverts that were built to specifications by the County Engineer. McGill asked about the water situation, if there is sufficient water supply, and about meters with Xenia. Mr. Perkins stated that Xenia stated there would be a charge for upgrading the meter and that, with Xenia service and the current well, the water supply would be sufficient. Mr. Perkins stated that with the proposal to use cisterns to collect rainwater from the building for irrigation and flushing toilets will save a lot of water. Mr. McCay stated that there has been 4 times in the past 20 years that water has come above the culverts, which is mainly due to beavers causing plugging.

Zandt pointed out the natural area. Moore stated that in the Ames Urban Fringe Plan development is not encouraged in natural areas.

Attorney, Greg Ervanian, on behalf of James and Teresa Palensky, asked if his statement was included in record for the board. Zandt stated that it was emailed to the board and Ervanian had no further comments.

Mike Stott, SB&A Architects spoke and stated that the proposed cabins would meet all setbacks. He spoke about cabins creating noise, campfires, lights, potential for parties and gave an example of another camp in Boone County and there have been comments by neighbors that there is rarely an impact from the camp. Mr. Stott stated that this proposed site has so much buffer and agrees with additional landscaping that would be required. Mr. Stott talked about traffic count increases and stated that additional impact of traffic would be low. Mr. Stott added that there is a need in the area for this type of proposal.

Ken Kline, Kelley Fire Chief stated that the turnaround is big enough for emergency vehicles. Mr. Kline stated that he feels that this proposed project would benefit the county. Mr. Kline stated that he recommended the dry hydrant and that the fire department has the ability to fight fires in the area in the event of a fire emergency.

Ryan Gehling spoke and stated that he is in support of this project and feels that his family would benefit from. Mr. Gehling stated that he did not feel noise would be a factor because there would be rules.

Kim Christiansen spoke and stated that the proposal area is very controversial with the city. Mr. Christiansen stated that he has no problem with this proposed project and feels that it is a great benefit to the county for tax revenue and asked the board to consider this proposal.

John Moore spoke and stated that his only concern is dust control and that a fence be put up to keep people from walking across his property. Mr. Moore does not feel that noise will be an issue and that he is in favor of this development.

Jolene Trickle spoke and stated that she is in favor of the development and does not feel any future development would be affected by this project and asked the board to vote in favor.

Jerry Moore stated that there are specific policies that protect the natural area. Moore stated that the land use designation for the property is Urban Residential. Moore stated that there is a process to be followed for any map, land use, or policies and procedures changes in the AUPF.

Mr. Perkins spoke again and acknowledged that this is a complicated issue. Mr. Perkins asked the board to keep in mind that the fringe plan is not law, but that zoning is law. Mr. Perkins stated that the plan is only for the future, but that he would like to use the land in the meantime as it is currently zoned.

Bruns asked Moore to clarify the process again. Moore stated that the County's CUP review process requires consideration of the proposed land use in addition to the zoning district requirements and the proposed land use designation of the property is Urban Residential in the Ames Urban Fringe Plan, which is to accommodate single-family dwellings.

McGill asked if he BOA has authority in the Ames Urban Fringe Plan and Moore stated that this use is not consistent with the Ames Urban Fringe Plan and that an amendment would need to be made to the plan in order to approve the requested CUP, which requires Story County, City of Gilbert and Ames to approve a change to the Ames Urban Fringe Plan. McGill asked that even though this is zoned A-1 there is no authority due to the Ames Urban Fringe Plan

designated area. Mr. Moore stated that if the BOA feels that the use is appropriate that the Ames Urban Fringe Plan would need to be changed first. Zandt stated that there has been a request to change the land use that was denied by the City of Ames and Ames has stated that they would not recommend approval of a designation change. Mr. Perkins stated that the City of Ames does not give equal treatment to small business owners and that he feels the Board of Adjustment has the power to solely approve or deny conditional use permits. McGill stated that this is an unusual circumstance.

Mr. Ervanian stated that there is a legal document, a 28 E agreement between the City of Ames, City of Gilbert, and Story County, in which Story County signed off agreeing to comply.

Kim Christiansen stated that when the CUP was approved for the event center the city did not approve of it either and asked for the support of the board to consider the property owners in making the decision. Moore stated that the first request for the bed and breakfast was supported by the City of Ames with conditions. Moore stated that a campground is not consistent with Urban Residential future land use designation of the AUFPP. Moore read from the Story County Land Development Regulations Chapter 90.01 and stated that this was the requirement, to encourage compatibility of proposed development with the environment, and with existing and future land uses in the area, when reviewing CUP applications.

Zandt stated that staff recommends denial and presented the alternatives. Brekke stated that as an Ames resident he feels Ames plows forward with housing and that there is a desire to preserve natural areas. McGill asked why the Planning and Zoning Commission approved this item. Moore stated that there was not a lot of discussion amongst the commission and Zandt shared a narrative she had prepared of the discussion the commission discussed prior to approving the CUP at their meeting. Bruns and Scarlett stated that it is unusual to have a room full of people in favor of a proposed project rather than in opposition. Brekke asked if the board is to approve this item if it would still need to be approved by the City of Ames. Moore stated that it is suggested that due to the Ames Urban Fringe Plan, that if the CUP request is supported by the Board of Adjustment, an AUFPP amendment would first need to be amended to allow the CUP request and that Conditional Use Permits can also be challenged within 30 days in district court.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Raspberry Hill Resort Commercial Campground and Travel Trailer Park as put forth in case CUP08-17, as submitted.

Motion: Bruns

Second: Scarlett

Ayes: Brekke, McGill, Scarlett

Nays: Bruns

Not Voting: None

Absent: Youngberg

Vote: (3-1)

Moore asked why Bruns made the motion to approve, but voted to deny. Bruns stated that he made the motion so that the rest of the board had the chance to vote yay or nay.

BOARD/STAFF COMMENTS:

Staff: Moore gave an overview of five conditional use permits that will be on the agenda in April.

Board: Bruns commented on the amount of paper it takes to print out the documentation for meetings.

ADJOURNMENT: 6:56 PM

A handwritten signature in blue ink, appearing to read "Alpha Omega", written over a horizontal line.

Approval of Minutes

Chairman 4-18-2018
Title and Date